

8 APRIL 1947

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of  
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8 APRIL 1947

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
703	2410		Affidavit of SHIMAMOTO, Masaichi		19479
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333	2413		Speech by the Minister of State YOSHIZAWA in the Japanese House of Peers on 22 January 1932, taken from the proceedings of the House of Peers re the Man- churian Situation		19521
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63	2417		Statement of the Japanese Govern- ment re the Shanghai Incident, dated 7 February 1932		19563

8 APRIL 1947

I N D E X  
of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
253	2418		Extract from the Shorthand notes of the Proceedings of the House of Peers of the Japanese Empire, dated 24 March 1932, setting out the Speech made in the House of Peers by INUKAI, Tsuyoshi, re the China Incident		19570
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Tuesday, 8 April 1947

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All accused are present except  
4 OKAWA, MATSUI and TOGO who are represented by counsel.  
5 The Prison Surgeon at Sugamo certifies that the  
6 accused MATSUI and TOGO are too ill to attend the  
7 trial today. The certificate will be recorded and  
8 filed.

9 Mr. Mattice.

10 MR. MATTICE: If the Tribunal please, one  
11 of the two witnesses who were indisposed -- not able  
12 to be here last week, SHIMAMOTO, is now at hand,  
13 and we desire to call him first. Mr. BANNO will  
14 examine him.

15 (Whereupon, a person entered the  
16 witness box and then stepped down.)

17 THE PRESIDENT: Why did the witness leave  
18 the box?

19 MR. TAVENNER: If your Honor please, it  
20 was the wrong witness.

21 MARSHAL OF THE COURT: Mr. President, the  
22 witness SHIMAMOTO is in Court and will now be sworn.  
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22 witness SHIMAMOTO is in Court and will now be sworn.  
23  
24  
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SHIMAMOTO

DIRECT

1 SHIMAMOTO MASAICHI, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

## DIRECT EXAMINATION

BY MR. BANNO:

Q What is your name?

A (No response)

Q Where do you live? What is your name,  
Mr. Witness, and where is your present residence?A 872 Monobe Nakajima, Sumoto-City, Hyogo  
Prefecture.THE PRESIDENT: What was his name? I did  
not hear him say what his name was.Q I asked your name first. Will you say it  
again, please?

A SHIMAMOTO, Masaichi.

Q How old are you?

A Sixty-one -- sixty -- sixty-one.

MR. BANNO: Before commencing my direct  
examination I should like to get your understanding  
on three points. The first point, as has been ex-  
plained to the Court, he was ill in bed suffering  
from the gall bladder. Because of the orders of  
the Court to be present at the trial he came to the



SHIMAMOTO

DIRECT

1 Court today bringing with him medicines and injections.  
2 It is our request, therefore, that his examinations  
3 be concluded as soon as is practicable and allowing  
4 him to go home and nurse his illness.

5 The second point is that in view of the  
6 fact that he, the witness, may not be able physically  
7 to appear at the Court a second time, it is our wish  
8 that all the necessary procedures would be concluded  
9 today including the cross-examination.

10 THE PRESIDENT: Do not state your third  
11 point. Proceed to question the witness, and we  
12 will fully protect his interest and the interests  
13 of all concerned.

14 MR. BANNO: I request the Court to show  
15 the defense document 1021 to the witness. This  
16 is his affidavit.

17 THE PRESIDENT: We have not seen an affidavit  
18 proposed to be tendered.

19 MR. COMYNS CARR: Nor has the prosecution,  
20 your Honor.

21 THE PRESIDENT: We have seen a certain  
22 statement supposed to have been made after the  
23 Mukden Incident.

24 MR. BANNO: May I say a word, please? This  
25 affidavit was put into processing soon after the

SHIMAMOTO

DIRECT

1 witness came to Tokyo on April 5th and it was supposed  
2 to be -- the processing was supposed to be completed  
3 and the affidavit distributed during yesterday.  
4 We were -- defense counsel was unable to give three  
5 days leeway before this affidavit was presented--  
6 tendered to the Court. However, this affidavit is --  
7 certificate is only certificate of the statement --  
8 certificate of the document.

9 THE PRESIDENT: Well, I think you would  
10 shorten the matter if you asked the witness to  
11 look at defense document No. 834.

12 MR. BANNO: Then, though it is incomplete,  
13 I should like to proceed with the direct examination  
14 upon the document which has already been tendered.

15 MR. COMYNS CARR: Your Honor, we still have  
16 not got any copy of the affidavit which I understand  
17 has been distributed to the Court.

18 THE PRESIDENT: We have no affidavit, but  
19 we have two certificates purporting to be under the  
20 hand of SHIMAMOTO, no doubt the witness.

21 MR. COMYNS CARR: Yes, I appreciate that.

22 THE PRESIDENT: The time wasted on unnecessary  
23 preliminaries is disturbing.

24 MR. COMYNS CARR: Your Honor, with regard  
25 to document 834 we desire to object to it. All that

SHIMAMOTO

DIRECT

1 the certificate says is it was written by some  
2 unnamed person in the staff office of the Kwantung  
3 Army, and there is nothing whatever to show that  
4 the witness has the slightest knowledge of the  
5 contents.

6 THE PRESIDENT: Unless you can disclose  
7 the authority for that particular statement, it  
8 has no probative value at all.

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SHIMAMOTO

1 MR. BANNO: In view of that, your Honor,  
2 the defense counsel tried to tender documents which  
3 have probative value concerning this witness, and  
4 we spent both Saturdays and Sundays in making prepa-  
5 rations, night and day. Twenty-four hours ago the  
6 documents were in condition to be distributed, but  
7 owing to the holiday yesterday, I regret to say  
8 we were unable to distribute the documents to the  
9 Court.

10 THE MONITOR: "The affidavit" instead of  
11 "documents."

12 THE PRESIDENT: I said we don't know who  
13 made the statement in defense document 834. That  
14 has nothing to do with the distribution of any docu-  
15 ment.

16 MR. BANNO: May the witness be shown defense  
17 document 834?

18 THE PRESIDENT: That is the document which  
19 is challenged as having no probative value and  
20 clearly it has none, because you can't say who is  
21 responsible for the statement.

22 Objection upheld. Defense document 834 is  
23 rejected as having no probative value.

24 Now you have defense document 703. Is that  
25 objected to?

SHIMAMOTO

1 MR. COMYNS CARR: No, your Honor. This  
2 appears to be the witness' own statement.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 703  
5 will receive exhibit No. 2410.

6 (Whereupon, the document referred to  
7 above was marked defense exhibit 2410 and  
8 received in evidence.)

9 THE PRESIDENT: That is subject to him say-  
10 ing that that document is his.

11 The Court has to take a bigger part in  
12 this matter than it should, because counsel does  
13 not appear to be able to put the documents properly.

14 Hand the witness document 2411 and get his  
15 formal statement that it is his -- exhibit 2410.

16 MR. BANNO: May the witness see the defense  
17 document 2410 -- Court exhibit 2410? That is  
18 defense document 703.

19 THE PRESIDENT: Witness, is exhibit No. 2410,  
20 being defense document 703, a statement made by you?

21 THE WITNESS: Yes, it is.

22 THE PRESIDENT: Proceed to read it.

23 MR. BANNO: I shall read Court exhibit 2410.

24 "A General Account of Guiding the Party of  
25 the American HANSON Foreign Investigation Court to  
the Scene of the Explosion, by Commander, 2nd Infantry

SHIMAMOTO

DIRECT

Battalion, Independent Garrison, SHIMAMOTO, Masaichi.

1            "As I was told that the Commander-in-Chief  
2 had already given the said party a general explana-  
3 tion and an English translation of a note on the  
4 facts of the matter, I explained to them, in the  
5 train up to the point of the explosion the locations  
6 of the land Bridge on the PEIPING-MUKDEN Railway  
7 and of HIUTIAOKOU, et cetera.

8            "Q Why did the Japanese forces remove  
9 rails at the crossing of the PEIPING-MUKDEN Railway?

10           "A Because it was necessary for our defence.

11           "Q What was used for this explosion?"

12           THE MONITOR: Mr. President, we asked the  
13 defense counsel whether he is reading the marked-off  
14 portion or not, and he said "Yes," so we will con-  
15 tinue, sir, beginning from line 5:

16           "Referring to books and posters, I told them  
17 how China was making efforts to foster and stir up  
18 anti-alien ideas; particularly, I pointed out that  
19 China was instructing her people that Britain, the  
20 United States of America, France, Germany, and Russia  
21 were all imperialistic and aggressive powers, that  
22 as Christianity teaches non-resistance, they first  
23 made the Chinese non-resistant and then they invaded  
24 China, and that all education given by foreigners  
25



SHIMAMOTO

DIRECT

1        had this same aim. Their questions and my answers  
2        after that were as follows:

3        "Q Why did the Japanese forces remove rails  
4        at the crossing of the PEIPING-MUKDEN Railway?

5        "A Because it was necessary for our defence

6        "Q What was used for this explosion?

7        "A As it was done by the enemy, we do not  
8        know. There was no residue. Judging from the  
9        result, probably it was not very strong."

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1 "Q. You say that the explosion took place  
2 at 10:30 a.m. . Was this before the express train for  
3 Dairen passed or after?

4 "A. On such a sudden occurrence, who would  
5 look at his watch? But it is certain that it happened  
6 between 10:00 a.m. and 10:30 a.m., and the express  
7 train passed this point after the explosion.

8 "Q. Did the train pass this point in spite  
9 of the explosion?

10 "A. Because the degree of the explosion was  
11 slight, the train passed without being derailed.  
12 According to the statement of soldiers who witnessed  
13 it, the train passed leaning to one side.

14 "Q. After the explosion were any steps taken  
15 by Japanese troops in regard to the trains progress?

16 "A. They tried to stop the train with a  
17 detonation signal, but it passed without stopping.

18 "Q. I hear that, when the 3rd Company was  
19 attacked by the enemy in a Kaoliang field, they returned  
20 fire. Was there any damage sustained by the Japanese  
21 at that time?

22 "A. No, there was none.

23 "Q. If the Japanese force had not pursued  
24 the challengers when most of them ran away into their  
25 camp, probably this battle would not have occurred.

SHIMAMOTO

DIRECT

1 "A. Once a Japanese force is challenged,  
2 and an action undertaken, it has to win it. If we  
3 had done nothing with them when the enemy escaped,  
4 it was certain that the Chinese army would again have  
5 attacked us. And furthermore it is impossible to  
6 ascertain whether there are casualties or not during  
7 a battle; Moreover, at that time, it was pitch dark.  
8 (This question was a particularly foolish one, but  
9 as they were not military men it seemed difficult  
10 for them to this point. They pertinaciously repeated,  
11 questions on this point. Fortunately, however, these  
12 foreigners understood Japanese so I explained the  
13 matter in detail and made them understand.)

14 "Q. When did the Japanese artillery open fire?

15 "A. I do not know the time. One does not  
16 estimate the time a battle takes by consulting one's  
17 watch. But it is certain that they opened fire after  
18 the hard fighting of the 3rd Company was reported.  
19 Shells had already been seen flying before the arrival  
20 of the main force of our battalion.

21 "Q. Did the shells hit the target?

22 "A. As it was night fire without proper  
23 preparation, they seemed not to hit the object.

24 "Q. Was there no danger from this fire to  
25 the attacking Japanese army?



SHIMAMOTO

DIRECT

1 "A. As it was dangerous, our battalion  
2 requested that fire be suspended.

3 "Q. Was the artillery fire requested by your  
4 battalion?

5 "A. No. It opened fire, on its own decision.  
6 In the Japanese forces any information is immediately  
7 reported to the whole army, and each unit, if need  
8 be, must exert itself to win the battle according to  
9 its own decision. The fire on the part of the artillery  
10 was in accordance with this.

11 "Q. What were the strengths of both armies?

12 "A. The Chinese was about 10,000 and our  
13 battalion a little more than 600.

14 "Q. What were the casualties of the Chinese  
15 and the Japanese in that battle?

16 "A. On the Chinese side there were, probably  
17 400 killed in total; for 320 were buried by the Japanese  
18 and some were found in the Kaoliang field. On the  
19 Japanese side, there were 2 killed and 22 wounded.

20 "Q. Doesn't this comparison of these casual-  
21 ties indicate that the Chinese army offered no  
22 resistance?

23 "A. Your observations on the scene will  
24 clearly show that that battle was planned by the  
25 Chinese side and what kind of fire they crossed.

SHIMAMOTO

DIRECT

1 And the great difference in the casualties indicate  
2 the efficacy of the Japanese army: Furthermore, when  
3 the Chinese were so foolish as to fight with electric  
4 light turned on in a night battle, the Japanese,  
5 approaching the enemy from dark and shelled them,  
6 and broke into their rooms and fought hand to hand  
7 with them; close combat is the strongest point of  
8 the Japanese army; moreover most of the Chinese shells  
9 flew high.

10 "If this battle had continued into the day-  
11 time, our casualties would have been greatly increased.  
12 This was what I tried hardest to avert. If another  
13 battle should be caused in the future, we will  
14 exterminate the Chinese unit of 10,000 strength to  
15 the last man and with no casualties on our side. Now  
16 are there no more questions about this incident? If  
17 there are I shall be glad to explain any number of  
18 them. As they said there were no more question, we  
19 started on our way back about 5:30 p.m."  
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SHIMAMOTO

DIRECT

1 THE PRESIDENT: . . . evidence of that type.

2 MR. BANNO: There is a slight correction to  
3 be made on page 2 of the English text. On the top  
4 line the explosion is said to have taken place at  
5 10:30 a.m. but this should be corrected to p.m.

6 THE MONITOR: Will the court reporter repeat  
7 the President's statement?

8 THE COURT REPORTER: The President's statement  
9 did not come over the IBM.

10 MR. BANNO: May the witness be shown defense  
11 document 734?

12 THE PRESIDENT: 703.

13 MR. BANNO: No, your Honor, 734.

14 THE PRESIDENT: We haven't seen 734.

15 MR. TAVENNER: Your Honor, I don't think that  
16 the map referred to in this document has been served  
17 on the prosecution.

18 MR. BANNO: Then we shall reserve that docu-  
19 ment until they should be distributed to the court --  
20 to the prosecution. Defense counsel prepared docu-  
21 ment 1022 which describes more concretely what was the  
22 facts described in the former document which I read.  
23 May this document now be distributed? This document  
24 1022 is the description of the clash between Chinese  
25 and Japanese troops in the vicinity of Peitaiying, the



SHIMAMOTO

DIRECT

1 incident, which the witness explained to a reporter  
2 from the Nagai newspapers -- reporters from the  
3 Japanese and foreign -- correspondents -- to Japanese  
4 and foreign pressmen. We rather think this document  
5 has a big probative value.

6 MR. TAVENNER: If your Honor please, I want  
7 to correct my former statement. It appears that some  
8 of us have received a copy of the map.

9 THE PRESIDENT: Well, the court officials  
10 haven't, nor have the judges.

11 MR. BANNO: I regret that because of our  
12 negligence we have caused so much trouble to the Court  
13 in connection with the distribution of this document.  
14 Should the counsel be permitted to read this report  
15 entitled -- this is defense document entitled "The  
16 Truth about the Clash between Japanese and Chinese  
17 Troops near Peitaiying" in the form of the direct  
18 examination.

19 T E PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: It hasn't been served,  
21 your Honor.

22 THE PRESIDENT: We are not going to decide  
23 on any document until it has been handed to us.

24 MR. ROBERTS: Mr. President.

25 THE PRESIDENT: Mr. Roberts.

SHIMAMOTO

DIRECT

1 MR. ROBERTS: May I inform the Court that the  
2 order of proof was distributed dated April 3, 1947,  
3 with defense document No. 734 and 408 contained thereon?

4 THE PRESIDENT: I can only say the Court has  
5 not received copies.

6 MR. ROBERTS: We certainly are at a loss to  
7 understand the reason as well.

8 THE PRESIDENT: Now we have a copy of defense  
9 document 734. It is a certificate with a map attached.  
10 Show it to the witness.

11 (Whereupon, a paper was handed to the  
12 witness.)

13 BY MR. BANNO (Continued):

14 Q Is this a copy of the map which the witness  
15 received in connection with his services with the  
16 Independent Garrison at that time, distributed from  
17 the headquarters?

18 MR. COMYNS CARR: Your Honor, now that I have  
19 seen the map it appears to be open to the same objec-  
20 tion as the other two maps which the Court has already  
21 dealt with.

22 THE PRESIDENT: We don't know the author of  
23 the map.

24 MR. COMYNS CARR: It purports to contain a  
25 lot of information other than would appear on a map

SHIMAMOTO

DIRECT

1 and the certificate does not verify the information  
2 in any way.

3 THE PRESIDENT: Is that your certificate,  
4 witness?

5 THE WITNESS: Yes, it is.

6 THE PRESIDENT: Is that the map referred to  
7 in your certificate?

8 THE WITNESS: Yes.

9 THE PRESIDENT: Well, you object to the map  
10 on the ground that the author is not disclosed, Mr.  
11 Carr?

12 MR. COMYNS CARR: Yes, your Honor, The  
13 witness merely says that he received it and there is  
14 no further information as to its authenticity.

15 THE PRESIDENT: The source seems to be the  
16 Independent Defense Army headquarters.

17 MR. BANNO: I think the witness is aware of  
18 the fact so if I may I should like to ask the witness  
19 about it.

20 THE PRESIDENT: All right.

21 BY MR. BANNO (Continued):

22 Q Who is the author of this map, Mr. Witness?

23 A All these documents were drawn up in a proper  
24 manner at army headquarters and these further additions  
25 to this were made by the Independent Defense Army and



SHIMAMOTO

DIRECT

1 these documents were then distributed to the various  
2 battalions.

3 Q What seems to be the objective -- object of  
4 this map?

5 A The object of this map is to show what was the  
6 position of the Kwantung Army. I should like to add  
7 a word. In the army when documents are drawn up they  
8 are first drafted by the persons in that particular  
9 department.

10 THE PRESIDENT: Oh, I think we have heard  
11 enough evidence to enable it to be admitted for what  
12 it is worth.

13 CLERK OF THE COURT: Defense document 734  
14 will receive exhibit No. 2411.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit No.  
17 2411 and received in evidence.)

18 MR. BANNO: Many more documents have been  
19 prepared by us in connection with this witness but  
20 since the mechanical difficulties prevent the presenta-  
21 tion of these documents I would like to conclude our  
22 direct examination for the time being. I should like  
23 to reserve our right to re-examine this witness when  
24 the preparations for the distribution of other docu-  
25 ments are completed. However, it is our desire to

SHIMAMOTO

DIRECT

1 have the witness go home as soon as possible.

2 THE PRESIDENT: Have you finished your  
3 examination in chief?

4 MR. BANNO: Because of the incompleteness  
5 of the preparations we have concluded the direct  
6 examination for the time being.

7 THE PRESIDENT: The witness is well enough  
8 to tell us how he feels. Is there any cross-examina-  
9 tion?

10 MR. COMYNS CARR: There is no cross-examination,  
11 your Honor, but we should like to make it clear, to  
12 remind the Court that the Court made no order that  
13 this witness should be called today. It merely said  
14 that these documents could not be tendered until he  
15 was available.

16 THE PRESIDENT: The witness is discharged  
17 on the usual terms.

18 (Whereupon, the witness was excused)  
19

20 MR. MATTICE: May the witness ENDO be called  
21 now?  
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ENDO

DIRECT

1 S A B U R O E N D O, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## DIRECT EXAMINATION

BY MR. MATTICE:

6 Q You may give your name to the Tribunal.  
7

8 A ENDO, Saburo.

9 Q Where is your home, Mr. ENDO?

10 A At present I am confined in Sugamo Prison.

11 Q Has any charge been lodged against you?

12 A No.

13 MR. MATTICE: May the witness be shown defense  
14 document 752?

15 THE WITNESS: No, I haven't been charged with  
16 anything.

17 Q Will you examine the document which has been  
18 handed you marked defense document 752 and tell this  
19 Tribunal whether that is your affidavit.

20 A This is my affidavit.

21 Q Are the statements in that affidavit true?

22 A Yes, they are.

23 MR. MATTICE: The defense now offers in  
24 evidence defense document 752, if your Honor please.

25 THE PRESIDENT: Admitted on the usual terms.



ENDO

DIRECT

1 CLERK OF THE COURT: Defense document 752  
2 will receive exhibit No. 2412.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit No.  
5 2412 and received in evidence.)  
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1 MR. MATTICE (Reading):

2 "My name is ENDO, Saburo, and I live now at  
3 Irimagawa-machi, Irima-gun, Saitama Prefecture.

4 "I was a staff officer of the Kwantung Army  
5 and was in charge of operations from August, the  
6 7th Year of Showa (1932), to August the 9th Year  
7 of Showa (1934). My rank was Major at first, and I  
8 was promoted to Lieutenant Colonel in March, the 9th  
9 Year of Showa (1934).

10 "The following are the principal military  
11 operations undertaken by the Kwantung Army when I was  
12 chief of operations.

13 "The restoration of peace and order at  
14 Hulunpeierh.

15 "As a result of the conclusion of the  
16 Japanese-Manchoukuo Agreement on the 15th of Sep-  
17 tember, the 7th Year of Showa (1932), Japan made a  
18 co-defense Agreement with Manchoukuo and shared the  
19 important responsibility for the co-defense of Man-  
20 choukuo. In view of the fact that it was not long  
21 since Manchoukuo had been established, nothing was  
22 more urgent from the viewpoint of national welfare  
23 than to restore and maintain its peace and order, as  
24 well as to prevent the destruction and disturbance in  
25 the country. First of all, therefore, the Kwantung

ENDO

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1 Army planned the restoration of peace and order in  
2 the eastern parts of Mukden Province, and chiefs of  
3 army groups were summoned for this purpose. All of  
4 a sudden, on the 28th of September of the same year  
5 (1932), when the plan of operation was being ex-  
6 plained to them, a telegram stating 'Su-Ping-wan has  
7 betrayed us. Request assistance' was received by  
8 the Headquarters of the Kwantung Army through the  
9 Special Agency at Harbin from Captain OHARA of the  
10 Special Agency stationed at Manchuli, and further  
11 communication was interrupted. One day previously,  
12 that is, on the 27th September, nothing was heard  
13 from Major INOUE and WATANABE who were on their way  
14 to Hailar by plane from Harbin (afterwards it was  
15 confirmed that they were killed by Su Ping-wan's  
16 troops, when the plane made a forced landing in the  
17 vicinity of Tientzushan). Inasmuch as we harboured  
18 gloomy forebodings and in the latter part of September  
19 perceived, through the interception of telegrams,  
20 that Su Ping-wen and Chang Tien-shiu had been plot-  
21 ting, it was learned that the plots had actually been  
22 carried out. Extraordinary measures, therefore, had  
23 to be taken in order to rescue the several hundred  
24 Japanese residents at Hailar and Manchuli. as well as  
25 some Japanese residents at Hulunpeirh (totalling



ENDO

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1 about 1,000).

2 "Under these circumstances, the Kwantung  
3 Army decided to change part of the above mentioned  
4 peace restoring plan in the eastern parts of Mukden  
5 Province, and rescue the Japanese residents who were  
6 thought to have been arrested at Hulunpeirh, but  
7 this was certain to give rise to various difficulties.  
8 Because, for the rescue of the Japanese residents  
9 there was not a little fear in respect of the tempera-  
10 ture and our military strength, and especially of  
11 stimulating Soviet Russia. Nevertheless, it could  
12 by means be permitted, not only from the viewpoint of  
13 humanity, but also from that of the duty of the Kwan-  
14 tung Army, that we leave fellow-countrymen faced  
15 with imminent danger to their fate without rescuing  
16 them. Therefore, the Kwantung Army decided to effect  
17 the rescue for the humanity's sake despite the diffi-  
18 culty of operation and its inferior military strength.  
19 First of all, in order to obtain the understanding of  
20 Soviet Russia, our frontier commission with Colonel  
21 KOMATSUBARA, chief of the Special Agency at Harbin  
22 as leader, were sent to MATUEFSKAYA (next station  
23 to Manchuli) with the consent of the Soviet authori-  
24 ties, and requested the Soviet's favourable treat-  
25 ment for the rescue and defense of the Japanese

ENDO

DIRECT

1 escaping to the territory of Soviet. Fortunately,  
2 the request being complied with, the Kwantung Army  
3 suddenly made various preparations and started  
4 operation in the latter part of November. As it  
5 was reported that Su Ping-wen's troops had by that  
6 time marched on Chalantun and Fulaerhchi, west of  
7 Nunchiang, the Kwantung Army, availing themselves of  
8 this favourable opportunity for advancing, decided to  
9 rescue the Japanese at Hulunpeirh soon after seizing  
10 and exterminating the enemy on the east side of the  
11 great Hsingan mountain ranges. But, as Su Ping-wen  
12 and Chang Tien-chiu fled from the front line on the  
13 26th of November, our forward elements pursued the  
14 remaining enemy, and after passing through the tunnel  
15 of the Hsingan mountain ranges arrived at Hulunpeirh  
16 and succeeded at last in rescuing the Japanese there.  
17 The Japanese who had previously escaped to Soviet  
18 territory were transferred by its courtesy to  
19 Vladivostok by the Heilungkiang railway, and thence  
20 sent to Japan by sea.

21  
22 "The restoration of peace and order in Jehol  
23 Province.

24 "The above-described restoration of peace  
25 at Hulunpeirh was completed in January the next  
year, 8th Year of Showa (1933) and peace since pre-

ENDO

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1       vailed there. In the northern parts of Kirin Prov-  
2       ince there was still the wriggling of Li Tu and Ting  
3       Chao, but it ceased by Ting Chao's submission in  
4       January, the 8th Year of Showa (1933), and peace  
5       restoration in the eastern parts of Mukden Province  
6       also made great progress. Thus, peace and order  
7       in Manchoukuo were generally maintained. With this  
8       restoration of peace the majority of bandits in  
9       Manchoukuo escaped to Jehol Province and joined  
10      Chang Hsueh-liang's troops that had invaded the  
11      province before, and their number, it was thought,  
12      amounted to as many as 200 thousand under the banner  
13      of Tang Yu-lin, Inspector-General of Jehol Province.  
14      In reality they often disturbed peace and order in  
15      the districts of the Liao-Ho river either with small  
16      units of their own or by instigating the remaining  
17      bandits there. Since the establishment of Manchoukuo,  
18      Tang Yu-lin tried to face both ways, and his attitude  
19      was irresolute, but he suddenly and blithely re-  
20      sorted to anti-Japanese and Manchoukuo measures.  
21      Under these circumstances, peace and order in  
22      Manchoukuo which had fortunately been restored began  
23      to be disturbed again. This situation could not by  
24      any means be left to take its own course even in  
25      view of the Japanese and Manchoukuo Co-defense Agree-



ENDO

DIRECT

1 ment, in consequence of which it became necessary to  
2 subdue such banditry. It was evident that, as they  
3 could not possibly operate on a large scale during  
4 the cold season, but began to operate when it became  
5 warm after winter retirement, it was therefore nec-  
6 essary to subjugate them before they begin to oper-  
7 ate. Besides, as the roads in Jehol Province are  
8 very muddy and most of them river-beds, the opera-  
9 tions of our troops, if begun at the time of the  
10 thaw, will be confronted with much difficulty. Hence,  
11 the subjugation of bandits had to be begun before  
12 that time. Thus, in the latter part of February,  
13 in the 8th Year of Showa (1933), our operation was  
14 started despite our inferiority in military strength.  
15 Inasmuch as our military operation was nothing but  
16 to restore peace and order in Manchoukuo, and it was  
17 necessary to observe strictly a general principle  
18 that it should not be extended beyond the territory  
19 of Manchoukuo, strict instructions were given to  
20 our troops so as to limit their operation to the line  
21 of the Great Wall, and not beyond that line. The  
22 Central Supreme Command Headquarter, too taking a  
23 serious view of this point, I, being in charge of  
24 operations, was summoned to Tokyo in January and given  
25 instructions accordingly.

ENDO

DIRECT

1 "In view of the importance and complexity  
2 of the matter, General MUTO, Commander of the Kwan-  
3 tung Army, gave the following instructions to his  
4 troops prior to the start of the operation:

5 "1. As the situation in Jehol Province is  
6 very imminent, the peace and order of all Manchoukuo  
7 will be disturbed, if it is left to take its own  
8 course;

9 "2. In order to avoid international mis-  
10 understanding, our operation should be limited to  
11 the interior of Jehol Province;

12 "3. The restoration of order should be  
13 completed in as short a time as possible.

14 "In the latter part of February our operation  
15 was started and mountain 'Blitzkrieg' was carried out  
16 under the co-operation of Japanese and Manchoukuo  
17 troops. With the security of Kupeikou and the line  
18 of the Great Wall, as well as the frontier line, our  
19 operation was brought to a close on the 10th of  
20 March, and our troops stayed in the interior of  
21 Jehol Province, not passing a step beyond these lines.

22 "6. The Advance on Hopei Province and the  
23 TANGKU Truce.

24 "The Great Wall was originally constructed  
25 in defense against enemies from the north, and its



ENDO

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1 south side was very easy of access from east to west,  
2 and was favourable to free operation, but on the  
3 contrary, on its north side (Jehol Province side)  
4 facilities were very bad and there was little freedom  
5 of operation. There were some hundred escape holes  
6 in the Great Wall, and it was therefore very easy  
7 to disturb Jehol Province by advancing from this  
8 barrier. If disturbances are carried out in that  
9 province, availing oneself of the inconvenience of  
10 communications from east to west within the province,  
11 we will not know what to do and became quite  
12 bewildered. Seeing that the Japanese and Manchoukuo  
13 troops stayed in that province, as has been stated  
14 above, without passing beyond the line of the Great  
15 Wall, the bandits escaping within the barrier set  
16 up their headquarter at Pingtsin after obtaining  
17 reinforcement from Chang Fsuoh-liang in the latter  
18 part of April, and harassed our troops, and what  
19 is worse, made an obstinate challenge from the line  
20 of the Great Wall. Under these circumstances, in  
21 order to accomplish the self-defense of our army  
22 from the viewpoints of the topography and the numerical  
23 strength, our troops had to fight reluctantly to  
24 repulse the recalcitrant challenge of the enemy and  
25 to chase them, passing temporarily to some extent



ENDO

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1 beyond the line of the Great Wall. Thus, after  
2 having repulsed the enemy, we retreated momentarily  
3 to that line, but they used this fact to claim to  
4 have conquered us and began to attack again. There-  
5 upon, on the 3rd of May in the 8th year of Showa  
6 (1933) we had to repulse them, challenging again,  
7 and further chased them. Succeeding in this chase,  
8 we reached the line of the Soo-Ho river at last and  
9 were within hailing distance of Peking and Tientsin.  
10 In view of the fact that the advance of our troops  
11 upon Peking and Tientsin might cause the aggravation  
12 of the situation, our Commander strictly enjoined his  
13 troops to stay at the line east of that river. For  
14 the purpose of putting an end to the disturbance  
15 as soon as possible, in accordance with the principle  
16 hitherto pursued by the central military authorities,  
17 a statement was issued on the 15th of May to the  
18 enemy, that if they immediately renounced their  
19 challenging attitude, our troops were willing to  
20 retreat instantly to the line of the Great Wall.  
21 I remember that such a liberal attitude on the part  
22 of the Kwantung Army and the maintenance of its  
23 military discipline, in that despite its troops'  
24 advance toward Peking, it made them stay there and  
25 tried to save the old capital of Peking from the

ENDO

DIRECT

1 calamity of war and to minimize the disturbance, won  
2 great admiration from foreign pressmen at that time.

3 "On 25th May, at about 4:00 p.m., Ho Yin-  
4 chin, Deputy Chief of the Peking Branch of the  
5 Military Commission of the Kuomintang government,  
6 sent as a messenger Hsu Yen-Mou, staff officer and  
7 colonel of that Peking branch, to our headquarter of  
8 the 8th Division at Mayun at that time, and proposed  
9 a formal cease-fire agreement. Accepting this propo-  
10 sition and exchanging a memorandum, the Kwantung  
11 Army made out a draft cease-fire agreement based  
12 upon it. In Peking Lieut-Col. NAGATSU Sahaji, Military  
13 Attaché of the Japanese legation, opened negotiations  
14 with the representative of Ho Yin-chin. They examined  
15 the draft cease-fire agreement. The representatives  
16 of both parties met at TANGKU, and after free dis-  
17 cussion the agreement was signed. The Japanese  
18 representatives were, besides Maj-Gen. OKAMURA Neiji,  
19 Assistant Chief of Staff of the Kwantung Army, who  
20 was invested with plenary powers by Commander MUTO;  
21 Col. KITA, Staff Officer of the Kwantung Army,  
22 Attaché; Lieut. Col. NAGATSU, Military Attaché of the  
23 Japanese Legation and Staff Officer of the Kwantung  
24 Army, Maj. KAWANO, Staff Officer of the 8th Division;  
25 Maj. ENDO (myself), Staff Officer of the Kwantung

1 Army; Maj. FUJIMO, ditto; and Capt. OKABE, Staff  
2 Officer of the 6th Division. The Chinese repre-  
3 sentatives were, besides Hsiung Pin, Councillor  
4 General of Peking military branch, who was invested  
5 with plenary powers by Ho Yin-chin; Chien Tsung-  
6 tse, Attaché, Councillor of the same branch; Li  
7 Tsei-i, ditto; Yin Ju-keng, ditto; Lei Shou-jung,  
8 ditto; Fsu Yen-mou, High Staff Officer of the Peking  
9 branch; and Chang Hsi-kuang, Chief Staff Officer of  
10 the 1st Division. After both delegates exchanged com-  
11 missions of full powers, negotiations were made on  
12 the 30th and 31st of May with frank conversations  
13 in consequence of which a compromise was reached  
14 upon between the two parties, and their representatives  
15 signed the cease-fire agreement on the 31st of May,  
16 at 11:11 p.m., and at 4:00 p.m. of the same day the  
17 both parties simultaneously made public the whole  
18 text of the agreement."

19 THE PRESIDENT: We will recess for fifteen  
20 minutes.

21 (Whereupon, at 1045, a recess was  
22 taken until 1100, after which the proceed-  
23 ings were resumed as follows:)  
24  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Mattice.

4 MR. MATTICE: (Continuing) "This is the  
5 so-called Tangku Truce and its original was drafted  
6 by my order. The contents of the agreement are, as  
7 have already been known, the mere military cease-  
8 fire agreement based upon the viewpoint of pure  
9 strategy and do not contain any political points at  
10 all.

11 "Moreover, it goes without saying that this  
12 agreement was concluded after close arrangement  
13 between the Kwantung Army and the Central Supreme  
14 Command Headquarter.

15 "This cease-fire agreement is omitted herein,  
16 as it was formally made public.

17 "7. The Subsequent Restoration of Peace and  
18 Order in Manchoukuo.

19 "With the conclusion of the Tangku Truce,  
20 the so-called Manchurian Incident was actually brought  
21 to an end. The remaining bandits in Manchoukuo had  
22 then to be cleared out. For this purpose the Japanese  
23 and Manchoukuo military police decided upon deliberation  
24 to make a concrete plan and put it into practice.  
25 First of all, steps were taken for collecting on the

ENDO

DIRECT

1 one hand arms which were being used in many sources,  
2 in order to eradicate the root of disturbances, and  
3 applying on the other 'pao chia' control (self-  
4 government system of towns and villages) to secure  
5 peace and order. Simultaneously with this, it was  
6 decided that it was incumbent upon the military police  
7 of Manchoukuo to maintain peace and order at first  
8 hand, while the Kwantung Army was to cooperate with  
9 them as support, and that the deployed disposition to  
10 a high degree of forces would be carried out, in  
11 consideration of the menace of the Soviet troops in  
12 the Far East, but that this, however, was of secondary  
13 importance, while the most important consideration was  
14 to clear out the bandits to the last man. For this  
15 purpose each Division was allocated some district  
16 (generally one province or more) under its control,  
17 and each unit of that Division had its own area in  
18 its charge, too. Thus, the deployed disposition of  
19 every company or sometimes section (its leader was an  
20 officer) was carried out in important localities.

21 "In August of the 9th Year of Showa (1934) I  
22 finally retired from the post of staff officer in the  
23 Kwantung Army.

24 "On this 24th day of January, 1947."

25 I desire to ask this witness one question if



ENDO

CROSS

1 I may.

2 BY MR. MATTICE:

3 Q Will you tell the Tribunal, General, what was  
4 the mobilization strength expressed in divisions of the  
5 Kwantung Army in 1931 at the time of the so-called  
6 Mukden Incident?

7 I desire to strike that question, if your  
8 Honor please.

9 Will you tell the Tribunal, General, what was  
10 the mobilization strength of the Japanese Army--

11 THE PRESIDENT: Where?

12 Q (Continuing) The total mobilization strength  
13 of the Japanese Army in September 1931?

14 A Twenty-eight divisions. Until immediately  
15 before this period it was thirty-two divisions, but  
16 from 1931 this was reduced to twenty-eight.

17 MR. MATTICE: You may cross-examine.

18 CROSS EXAMINATION

19 BY MR. COMYNS CARR:

20 Q General, what exactly do you mean by the word  
21 which you constantly use in your affidavit and which  
22 has been translated as "bandits"?

23 A By bandits, I mean those who, as far as  
24 clothes go, wear civilian clothes, and in organization  
25 are under no responsible leader.



ENDO

CROSS

1 Q Were they engaged in fighting on the Chinese  
2 side?

3 A Yes.

4 Q Then, really they are not bandits at all but  
5 what we call guerrillas, are they not?

6 A No, there is a difference.

7 Q What is it?

8 A Guerrillas may wear civilian clothes, but  
9 as far as their organization goes, they have a system  
10 of leadership and they are under responsible leaders.

11 THE PRESIDENT: Do they indulge in plunder, too?

12 THE WITNESS: It depends on the time.

13 Q How do you know that these people you speak  
14 of had no responsible leaders?

15 A Although it is indeed difficult to distinguish  
16 guerrillas from these bandits, judging from various  
17 information we received from different quarters, we  
18 gathered that the guerrillas had possessed wireless sets  
19 and were in communication with responsible leaders  
20 who sent them orders under which they acted, we were  
21 able to gather generally.

22 THE PRESIDENT: But bandits are mere robbers,  
23 and you haven't mentioned that.

24 THE WITNESS: They are robbers, but they  
25 acted as the hands and feet of those who held

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CROSS

1 anti-Manchukuoan and anti-Japanese ideas.

2 Q Isn't the truth that anybody who opposed  
3 you in Manchukuo or Jehol you called a bandit?

4 A We did not necessarily call them all bandits.

5 Q Did you call most of them bandits?

6 A Most of them were called bandits.

7 THE PRESIDENT: His definition of a bandit  
8 is a man who wears civilian clothes and who isn't  
9 organized in an army.

10 Q And if a part of the regular Chinese Army  
11 had been defeated but the remnants of it went on  
12 fighting you called them bandits, too, didn't you?

13 A After their defeat they would disperse and,  
14 changing to civilian clothes, would usually commence  
15 banditry. Therefore, in some cases we have called  
16 them bandits.

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ENDO

CROSS

1 Q What was the reason for calling all these  
2 people bandits?

3 A We called them bandits because they contin-  
4 ually conducted bandit-like activities.

5 Q Was the true reason this. that you knew very  
6 well that the Japanese Government had given a kind of  
7 undertaking to the League of Nations that they would  
8 not extend this Manchurian Incident, but had made  
9 an exception that they must suppress bandits, and  
10 wasn't that why you called any Chinese whom you attacked  
11 bandits?

12 A No, that is not so.

13 Q Now, with regard to Jehol Province, when did  
14 the Japanese first begin to invade that province?

15 A It was in the latter part of February.

16 Q Had you not already in July 1932 made an  
17 invasion of Jehol Province in two columns -- in July  
18 and August I should have said, 1932, made an  
19 invasion of Jehol Province in two columns?

20 A In July 1932 I was still in the staff office  
21 at Tokyo, and, therefore, I know nothing about this.

22 Q Wasn't it reported to the staff office in  
23 Tokyo?

24 A I have seen no reports to such effect.

25 MR. COMYNS CARR: Your Honor, I am basing



ENDO

CROSS

1 these questions on prosecution exhibit 192-A.

2 Q Were further reinforcements sent to Manchukuo  
3 in the winter of 1932-'33?

4 A I am unable to hear that last question clearly.

5 Q Were further Japanese reinforcements sent to  
6 Manchukuo in the winter of 1932 to '33?

7 A I have no knowledge concerning any reinforce-  
8 ments.

9 Q I see you were in the Kwantung Army from  
10 August 1932 onwards. That is the time when I suggest  
11 to you that the second of these columns invaded Jehol,  
12 didn't they?

13 A I have no recollection that any troops -- that  
14 Japanese troops invaded Jehol before the Jehol opera-  
15 tions began.

16 Q Perhaps you have forgotten because that inva-  
17 sion was a failure, wasn't it?

18 A That is not so. At the time we had neither  
19 the time nor -- at the time we were not even able to  
20 think of such a thing, we were too much occupied.

21 Q Was that why you sent for the reinforcements?

22 A The reason why we asked for reinforcements was  
23 not because of anything going on in Jehol, but because  
24 the activities of the bandits were very active, even  
25 active in the Mukden area, and they were even approaching

ENDO

CROSS

1 Mukden itself, and with the strength we had at the  
2 time we were totally unable to preserve peace in Man-  
3 churia.

4 THE PRESIDENT: A Member of the Court desires  
5 the following question to be put: Were the bandits  
6 referred to by you the same kind as those known to  
7 exist inside China?

8 MR. COMYNS CARR: Will you answer that question,  
9 please.

10 THE WITNESS: I cannot compare the two as  
11 I have no sufficient knowledge of bandits outside of  
12 Manchuria itself.

13 Q Now, returning to the question of reinforce-  
14 ments, do you realize that only a few moments ago you  
15 said there weren't any, and now you tell me you sent  
16 for them because you wanted them in Manchukuo?

17 A There is a difference in the time element. I  
18 said there were no reinforcements to your first ques-  
19 tion because that question was concerning the winter  
20 of 1932 to 1933.

21 Q When did the reinforcements come?

22 A In September 1932 the 14th Mixed Brigade ar-  
23 rived. We had requested that this brigade be sent in  
24 order to mop up Tung Pien-tao.

25 Q What is that?

1       A   Tung Pien-tao is a district on the north side  
2 of the Yalu River between Manchuria and Korea. It is  
3 to the southeast of Mukden. This district is called  
4 Tung Pien-tao.

5       Q   Did you use them for the invasion of Jehol?

6       A   Yes.

7       Q   Now, after the Manchukuo, so-called, Govern-  
8 ment had been established in September 1932, did you  
9 issue a statement claiming that Jehol was part of  
10 Manchukuo?

11      A   I have seen such a statement.

12      Q   It wasn't true, was it?

13      A   I believe it was true.

14      Q   Isn't it the truth that Jehol had never been  
15 recognized as part of Manchuria at any previous time?

16      A   I do not know whether it was recognized as  
17 such in any country other than Japan, but both Japan  
18 and Manchukuo were convinced that that territory belonged  
19 to Manchukuo.  
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1 Q On the 22nd of February, 1933, did you cause  
2 the Manchukuo Government to send an ultimatum to the  
3 Chinese Army to withdraw from Jehol Province within  
4 twenty-four hours?

5 A I do not know of any such fact.

6 Q But you were there, weren't you?

7 A I was in Manchuria, but my job was the  
8 planning of operations, and I know nothing of foreign  
9 policy.

10 Q But surely if you were planning an operation  
11 against Jehol it was necessary for you, wasn't it,  
12 to know whether there had been a demand that the  
13 Chinese Army should evacuate Jehol before you in-  
14 vaded it?

15 A Of course, it would be necessary for me to  
16 know that. From the standpoint of common defense  
17 of Japan and Manchuria it would be necessary for us  
18 to try out whatever would imperil the defense of  
19 Manchuria, whether they be bandits or foreign  
20 armies. Before commencing military operations it  
21 was desirable that every peaceful means be exhausted,  
22 and I am aware that negotiations were conducted with  
23 Tang Yu-ling in order to persuade him to abandon his  
24 anti-Manchurian attitude. I am also aware of the  
25 fact that the army of Chang Tso-lin had entered --

1 had invaded Jehol Province. Therefore, I knew that  
2 the government was making every effort to have Chang  
3 Tso-lin's army leave Jehol, but I do not know whether  
4 they sent him an ultimatum or not. Besides, in  
5 January, 1933, I was in Tokyo, having been called  
6 there to consult with the Staff Office, and it may  
7 have been that the ultimatum was issued during my  
8 absence.

9 Q Now, what do you mean by Chang Tso-lin's  
10 army invading Jehol?

11 A Chang Tso-lin's army was based in Hopei  
12 Province, but we had heard that in order to re-  
13 capture Manchuria he had joined forces with Tang  
14 Yu-ling and the two forces were trying to recapture  
15 Manchuria --

16 Q Is that what you call invading Jehol?

17 A -- and that a strong force had entered  
18 Jehol Province for that purpose.

19 Yes.

20 Q Chang Tso-lin's army was originally based  
21 in Manchuria, Chinchow, wasn't it?

22 A They did have a strong base in Chinchow.

23 Q And it was a recognized party of the army  
24 of China, wasn't it?

25 A The relations between Chang Tso-lin's army

ENDO

CROSS

1 and the central government of China were extremely  
2 complicated, and I do not believe that you could  
3 say offhand that it was a part of the regular  
4 Chinese Army.

5 Q And when your army drove it out of  
6 Manchuria it went to Jehol, did it?

7 A It did, a part of it did.

8 Q Now, you say in your affidavit that when  
9 it was in Jehol the majority of the bandits in  
10 Manchukuo joined it there?

11 Language Division, "it" is Chang Tso-lin's  
12 army.

13 THE MONITOR: Thank you, Mr. Carr.

14 MR. COMYNS CARR: Has the witness answered  
15 that question?

16 THE WITNESS: I was unable to get the  
17 question clearly.

18 THE PRESIDENT: It will have to be re-  
19 peated as amended.

20 Q You say in your affidavit that when  
21 Chang Tso-lin's army was in Jehol the majority of  
22 the bandits in Manchukuo joined it there?

23 A Yes, that is so.

24 Q Are the people whom you refer to as  
25 bandits in that sentence members of his army who



ENDO

CROSS

1 had become detached from it in the course of the  
2 fighting in Manchuria?

3 A I believe many of them were.

4 Q And when you say that they disturbed peace  
5 and order in the District of Liao-ho River the real  
6 truth is that they were doing their best to re-  
7 capture the lost territory, wasn't it?

8 A I believe they were trying to create  
9 disturbed conditions in Manchuria and thus to  
10 recapture it.

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1 Q Now, only one other matter. On page 7 of  
2 your affidavit under paragraph 6 you say that in  
3 order to accomplish the self-defense of your army  
4 it was necessary for you to chase the enemy beyond  
5 the Great Wall. What do you mean by the self-defense  
6 of an army which was engaged in invading somebody  
7 else's territory?

8 THE INTERPRETER: To the prosecutor's first  
9 statement the witness replied: Yes, that is so.

10 To the question the witness replied: As is  
11 clear if you would glance at a map of the vicinity  
12 of the Great Wall, the entire district of Jehol is  
13 very hilly country and it is extremely difficult to  
14 maintain communications from east to west in that  
15 area between the various units of the Kwantung Army  
16 spread out in that area in Jehol. The front was  
17 spread out over several hundred kilometers. Our  
18 troops were insufficient, communications were diffi-  
19 cult and supply was also difficult. In contrast,  
20 Hopei Province where the Chang Hsueh-liang army was  
21 is flat country. Communication is easy and they were  
22 able to periodically invade Jehol from their base  
23 there, after having retreated to their base in Hopei.  
24 Therefore, if matters were left in that state with  
25 the Kwantung Army in Jehol continually threatened by

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1 the Chinese Army's periodic challenges, the Kwantung  
2 Army in Jehol was threatened with self-annihilation.  
3 Therefore, from the viewpoint of self-defense we were  
4 forced to take the measures we did.

5 MR. COMYNS CARR: Your Honor, if the witness  
6 really thinks that is an answer to my question I am  
7 content to leave it.

8 THE PRESIDENT: The Tribunal does not press  
9 for one.

10 Mr. Mattice.

11 MR. MATTICE: No redirect examination, if  
12 the Court please.

13 THE PRESIDENT: Mr. Mattice, we have been  
14 given a copy of an affidavit by an ENDO, Saburo. It  
15 is defense document 241.

16 MR. MATTICE: That was an earlier affidavit  
17 which this section concluded not to use. 752 contains  
18 all or more than was in the other one, as I understand  
19 it.

20 MR. COMYNS CARR: Your Honor, as a matter of  
21 fact, 241 deals with a totally different period and  
22 subject matter and if it is not to be used, ought not  
23 to have been passed to the Court at all.

24 THE PRESIDENT: We return our copies to the  
25 Clerk of the Court.



1 Mr. Mattice.

2 MR. MATTICE: That is all with this witness,  
3 if the Court please.

4 THE PRESIDENT: He may go on the usual terms.  
5 (Whereupon, the witness was excused.)

6 MR. MATTICE: The defense now offers in  
7 evidence defense document 333 which was a speech by  
8 the Minister of State YOSHIZAWA in the Japanese House  
9 of Peers, January 22, 1932, taken from the proceedings  
10 of the House of Peers for that date and concerning  
11 the Manchurian situation.

12 MR. TAVENNER: If it please your Honor, this  
13 appears to be a political speech made in the House of  
14 Peers which we contend has no probative value and  
15 object to its admission.

16 THE PRESIDENT: What have you to say,  
17 Mr. Mattice?

18 MR. MATTICE: Let the Tribunal rule.

19 THE PRESIDENT: Is it a statement of fact  
20 or an argument supporting the Japanese action?

21 MR. MATTICE: Your Honor, it appears to be  
22 a statement of the personal views of the speaker on  
23 the relations of Japan -- of the foreign relations of  
24 Japan. It was thought, if the Tribunal please, by the  
25 defense that a statement made in the Upper House of

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Mr. Mattice.

MR. MATTICE: That is all with this witness,  
if the Court please.

THE PRESIDENT: He may go on the usual terms.

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or an argument supporting the Japanese action?

MR. MATTICE: Your Honor, it appears to be  
a statement of the personal views of the speaker on  
the relations of Japan -- of the foreign relations of  
Japan. It was thought, if the Tribunal please, by the  
defense that a statement made in the Upper House of

1 the Japanese Legislature by the Foreign Minister  
2 might be of some value as indicating what the  
3 policy of the government of Japan was.

4 THE PRESIDENT: It contains no pertinent  
5 facts apart from the views of the person making the  
6 speech.

7 By a majority, the Court overrules the  
8 objection and admits the document on the usual terms.

9 CLERK OF THE COURT: Defense document 333  
10 will receive exhibit No. 2413.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit No. 2413  
13 and received in evidence.)

14 MR. MATTICE: (Reading) "Speech delivered  
15 by Minister of State YOSHIZAWA (pp. 6-7). Records of  
16 Proceedings in the House of Peers at the 60th Session  
17 of the Imperial Diet, No. 2, Extra of Official Gazette,  
18 January 22, 1932.

19 "Gentlemen"--

20 THE PRESIDENT: Mr. Mattice, I do not think  
21 it is worthwhile beginning this speech before lunch.  
22 We will adjourn until half-past one.

23 (Whereupon, at 1200, a recess was taken.)  
24  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1334.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Mattice.

MR. MATTICE: May we proceed?

(Reading): "Gentlemen, it gives me a great  
pleasure to have an opportunity to set forth my views  
on some of the more important matters in the foreign  
relations of our country. Needless to say, the  
Manchurian Incident is one of the most serious diplo-  
matic problems and has startled the whole world. As  
our immediate neighbor, China, has from former times  
had very important relations with our country socially,  
politically and economically. Especially with regard  
to Manchuria, serious political consideration is  
required in view of her past history as well as her  
contiguity to Japan. It is also beyond question that  
whether public peace and order in Manchuria is main-  
tained or not matters a great deal to our country.  
Moreover, Japan has more than a million Japanese resi-  
dents in Manchuria and Inner Mongolia, also numerous  
rights and interests under treaties and contracts in  
regard to leased territories, railways, and coal mines.

1 "In recent years, however, the Chinese  
2 Government authorities have come to regard lightly  
3 the fact that Manchuria is what she is today through  
4 the efforts of Japan. Having become over-familiar  
5 with the magnanimous attitude of Japan, they perse-  
6 cuted our nationals and trampled upon our treaty  
7 and contract rights and interests. Such cases have  
8 occurred one after another. Frequent protests were  
9 filed and repeated warnings were given by our country  
10 concerning this, but they proved almost of no avail.  
11 As a result, not only were our political relations  
12 with those regions made insecure, but our rights  
13 and interests were obviously jeopardized. Thus,  
14 the feelings of both our government and people were  
15 gradually wounded, when on the night of September 18  
16 a railway blasting incident suddenly broke out, followed  
17 by clashes between Japanese and Chinese Army units.  
18 The subsequent developments of the matter which at  
19 length led to a complete change in the political  
20 situation of Manchuria are as you are all well aware.

21 "Manchuria may properly be said to be the key  
22 to the maintenance of peace and order in the Far East.  
23 It was so even before the outbreak of the Russo-Japanese  
24 War, and we feel it all the more so at present.  
25 Especially because our country holds vast rights and

1 interests in the region, we have always been making  
2 strenuous efforts to prevent Manchuria from being  
3 affected by civil wars that broke out within China  
4 Proper. It was solely because the maintenance of  
5 peace and order in the territory was of absolute  
6 necessity to our country. Fortunately, owing to  
7 endeavors on our part, Manchuria has in the past been  
8 kept from the effects of civil strifes in China Proper  
9 as if it were a different world. Had it not been  
10 for the unlawful acts on the part of China, and had  
11 our treaty and contractual rights been duly respected,  
12 I believe the affairs in Manchuria would never have  
13 been so entangled as they are today, notwithstanding  
14 such occurrence as the September 18 incident.

15 "As may be seen from what I have stated, peace  
16 and order in Manchuria has hitherto been largely  
17 maintained by our efforts. And in the future too  
18 the responsibility of Japan in this respect would  
19 rather become weightier than lightened. In connection  
20 with Japan's position in Manchuria, I must add that  
21 Japan has no territorial design in Manchuria. Of course  
22 she abides by the principles of open door and equal  
23 opportunity, not to speak of existing treaties. What  
24 Japan desires in Manchuria is that by securing public  
25 order and effecting economic development the region be



1 made a place of peaceful living both for the natives  
2 and aliens.

3 "Now, let me turn to the present state of  
4 affairs in China proper. For many years past the  
5 anti-Japanese movement there has been continuously  
6 carried on. Sometimes it showed relaxation, but soon  
7 it regained strength and became vigorous again. It  
8 was not a mere movement for the severance of economic  
9 relations by boycotting Japanese goods and other  
10 similar means, but had its spiritual side such as  
11 adopting in school books materials calculated to  
12 inspire anti-Japanism. There is much corroborative  
13 evidence that the movement has been conducted against  
14 the free will of Chinese tradesmen in general under  
15 the pressure and coercion of such private organizations  
16 as the Anti-Japanese Association and have been encour-  
17 aged or directed by the Chinese Government authorities.  
18 There were even those who made anti-Japanese agitation  
19 their occupation, and very lucrative one for that  
20 matter.

21 "Since the outbreak of the Manchurian affair  
22 last autumn, the movement has again showed a turn for  
23 the worse and to our regret innumerable cases of  
24 outrage to our nationals have occurred. It is a very  
25 sharp contrast that while the Chinese residents here

1 in Japan are placed under perfect protection, the  
2 Japanese nationals in China are being subjected to  
3 indescribably harsh treatment.

4 "In China civil wars and factional strifes  
5 have been almost incessantly going on in recent  
6 years, and those internal disturbances have often  
7 produced serious effects on her foreign relations.  
8 It is needless to say that the anti-Japanese movement  
9 may also be attributed to the internal political  
10 affairs, and I believe the anti-Japanese attitude  
11 of the local government authorities in Manchuria  
12 before the outbreak of the Manchurian Affair may like-  
13 wise be accounted for. In fine, it is an undeniable  
14 fact that civil wars and factional strifes in China  
15 have had far-reaching effects on her foreign relations,  
16 and as one of her immediate neighbors Japan has always  
17 been the greatest sufferer from such internal disturb-  
18 ances.

19 "Unfortunately the Sino-Japanese relations  
20 are thus affected largely by the intricate circumstances  
21 arising from China's internal affairs and foreign  
22 relations. It may consequently require considerable  
23 time to better the relations and restore the two  
24 nations to their normal friendship. The cause of the  
25 Manchurian Affair is attributable to self-defense on

1 the part of Japan and that of the anti-Japanese movement  
2 to erroneous ideas on the part of China. It is  
3 therefore imperative that the Chinese should reflect  
4 on their own conduct and radically reform their atti-  
5 tude towards the Japanese. Of course the Chinese popu-  
6 lace and intellectual classes are not altogether  
7 hostile to Japan. I believe they are rather friendly  
8 to us at heart. So we need not necessarily be pessi-  
9 mistic about the restoration of Sino-Japanese relations  
10 to normalcy. The two nations ought to respect and  
11 like each other and to be in principle bound in close  
12 friendship, regarding untoward occurrences rather as  
13 exceptions.

14 "The outbreak of the Manchurian Affair gave  
15 a considerable shock to the general assembly and  
16 Council of the League of Nations then in session at  
17 Geneva, and on September 21, 1931 the Chinese represent-  
18 ative formally appealed to the Council under Article 11  
19 of the Covenant to deliberate on the matter. Thus the  
20 affair was formally brought before the Council of the  
21 League of Nations. After holding three sessions for,  
22 the deliberation of this matter, it adopted two reso-  
23 lutions as is well known to everybody. On the other  
24 hand the United States, though not a member of the  
25 League, has acted on the whole in concert with the



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1 League, apparently because she was as a signatory  
2 to the Anti-war Pact and the Nine-Power Treaty deeply  
3 concerned about the situation in the Far East. To  
4 both the League of Nations and the United States our  
5 Government has always been making clear our position  
6 in regard to the Manchurian Affair. In the course  
7 of the Affair there have sometimes been delicate  
8 developments in our relations with the United States  
9 as well as the League. However, carrying on negotia-  
10 tions with cordiality and scrupulousness, we have  
11 clarified our position and made our rights and  
12 interests recognized by them, so that they have gradu-  
13 ally understood our attitude. It is also gratifying  
14 that the Soviet Union has assumed an attitude of strict  
15 neutrality throughout the progress of the Manchurian  
16 Affair.

17 "As regards the Disarmament Conference to be  
18 opened on February 2, our Government has already decided  
19 on its policy and given instructions to our delegates  
20 about it. As the conference is the first large-scale  
21 one to discuss the land, sea and air arms, there is  
22 no doubt that it will be looked upon with great antici-  
23 pation by the whole world. While of course endeavoring  
24 to carry through our purpose, it is our earnest desire  
25 that the conference may bring about fair and rational

1 results and contribute to the establishment of lasting  
2 peace of the world. It has been the constant spirit  
3 of the Japanese since the Meiji Restoration to keep  
4 open our country to foreign intercourse and promote  
5 national progress. To 'seek for knowledge far and  
6 wide throughout the world', as set forth in the Great  
7 Emperor MEIJI's Covenant of Five Articles, has ever  
8 been our aim and object. It is therefore the ideal  
9 of our diplomatic policy that while guarding our  
10 rights and interests, we would act in cooperation  
11 with other nations of the world, so that we may share  
12 in the benefits of civilization, and I am resolved  
13 to further the enhancement of our national prosperity  
14 and the welfare of our people under this ideal."

15 The defense now offers in evidence defense  
16 document 143, which is a preliminary report of the  
17 Commission of Inquiry of the League of Nations dispatched  
18 from Mukden, April 29, 1932.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 143  
21 will receive exhibit No. 2414.

22 (Whereupon, the document above re-  
23 ferred to was marked defense exhibit No. 2414  
24 and received in evidence.)  
25



1 "THE PRELIMINARY REPORT OF THE  
2 COMMISSION OF INQUIRY OF THE LEAGUE OF NATIONS  
3 (despatched from Mukden to the Council of the League  
4 on April 29th, 1932)

5 "The Commission of Enquiry, appointed in  
6 conformity with Paragraph 5 of the Council Resolu-  
7 tion of December 10th, arrived in Mukden on April  
8 21st, and is now occupied with its investigations  
9 on the spot. Since its arrival in the Far East  
10 the Commission has investigated the general con-  
11 ditions prevailing in Japan and China in so far as  
12 these may effect its work. It visited Tokyo, Oseke,  
13 Shanghai, Nanking, Hankow, Tientsin and Peiping,  
14 conferred with members of both Governments and inter-  
15 viewed representatives of many interested groups  
16 and classes in both countries. In Peiping it met  
17 representatives of the authorities who had been in  
18 charge of the Three North-Eastern Provinces prior  
19 to September 19th. Since arriving in Mukden the  
20 Commission has interviewed, amongst others, the  
21 Acting Consul-General of Japan and General Honjo,  
22 Commander-in-Chief of the Japanese forces in Man-  
23 churia.

24 "The declaration of the President of the  
25 Council with reference to the Resolution of December

1 10th, directed the Commission to submit to the  
2 Council as soon as possible after its arrival on the  
3 spot a Preliminary Report on the existing situation  
4 in so far as this affects the fulfillment or other-  
5 wise by the Governments of China and Japan of cer-  
6 tain undertakings embodied in the Resolution of  
7 September 30th, and reiterated in the Resolution of  
8 December 10th. These undertakings are: (a) that  
9 the Japanese Government 'will continue as rapidly  
10 as possible the withdrawal of its troops into the  
11 Railway Zone in proportion as the safety of the lives  
12 and property of Japanese nationals is effectively  
13 assured."  
14 (b) that the Chinese Government 'will assume respon-  
15 sibility for the safety of the lives and property  
16 of Japanese nationals outside that zone as the with-  
17 drawal of the Japanese troops continues and the  
18 Chinese local authorities and police are re-established.'  
19 (c) that both Governments 'will take all necessary  
20 steps to prevent any extension of the scope of the  
21 incident or any aggravation of the situation.'  
22 "The Commission is not yet in a position  
23 to submit full information on these three points.  
24 It must reserve for a later report the consideration  
25 of the undertaking of both parties 'to prevent any



1 extension of the scope of the incident or any aggra-  
2 vation of the situation,' but as the Council is await-  
3 ing an early report on the existing situation in so  
4 far as it bears on the undertakings of Japan and  
5 China referred to above under (a) and (b), the  
6 following information is now transmitted.

7 "Information regarding the military situa-  
8 tion in the Three North-Eastern Provinces has been  
9 provided by the Japanese military authorities.

10 It is given under five heads, the first three relat-  
11 ing to the Japanese troops and other forces cooperat-  
12 ing with them, the last two relating to forces opposed  
13 to them.

14 "It will be noted that in the classification  
15 adopted a new feature appears which was not contem-  
16 plated by the Council in September last. In the  
17 course of the events which are the subject of the  
18 present enquiry the local administration was trans-  
19 formed. 'Committees for the Preservation of Peace  
20 and Order were first established with Japanese help  
21 in the last month of 1931. These were subsequently  
22 superseded by an authority which was established on  
23 March 9, 1932, as the 'Manchoukuo Government.' This  
24 explanation is necessary in order to account for  
25 the use of the expression 'Manchoukuo Army' by the



Japanese military authorities.

"1) Japanese Regular Forces.

"On September 18th the number of Japanese troops in the South Manchuria Railway Zone is stated to have been 10,590.

"The numbers given for the first part of December are: 4,000 inside and 8,900 outside the South Manchuria Railway Zone, making a total of 12,900.

"For the latter part of April the numbers are given as 6,600 inside and 15,800 outside the South Manchuria Railway Zone in the regions of Tsitsihar, the Taonan-Liaoyuan Railway, the Mukden-Shanhaikwen Railway, the Chinese Eastern Railway east of Harbin, and the northern section of the Kirin-Tunhua Railway, making a total of 22,400.

"2) 'Manchoukuo Army'

"The troops designated by the Japanese military authorities as the 'Manchoukuo Army' are said to have been formed partly of Chinese regular troops stationed in Manchuria before September 19th and subsequently reorganized, and partly of freshly recruited soldiers. This force has been created with the help of the Japanese military authorities. Many Japanese officers, either retired or still

1 belonging to the Japanese Army, have been engaged  
2 as military advisers and their number is increasing.  
3 Contracts with some of these officers have been made  
4 for one year. A Japanese staff officer has been  
5 appointed adviser to the 'Department of Defence of  
6 the Manchoukuo Government' at Changchun.

7 "These troops are stationed or operating  
8 chiefly in the regions of Mukden, Changchun, Taonan,  
9 Tsitsihar, Tunhua, and along the Chinese Eastern  
10 Railway, particularly on the eastern branch, where  
11 they are engaged against forces not recognizing the  
12 authority of the 'Manchoukuo Government.' The total  
13 number of the 'Manchoukuo Army' is stated to have  
14 been 85,000 men at the end of March.

15 "The actual number is not reliable owing  
16 to the uncertainty of the information regarding these  
17 troops at the present time.

18 "3) Local police force.

19 "The number of this force is given as about  
20 119,000, of whom 60,000 are local guards. This  
21 police force is stated to be in the main a continu-  
22 tion of that existing before September 19th. Its  
23 reorganization is taking place with the help of Jap-  
24 anese officials.

25 "4) Forces opposed to the Japanese troops

1 and the 'Manchoukuo Army.'

2 "The Commission was informed in Peiping by  
3 Marshal Chang Hsiueh-liang that his forces outside  
4 the Great Wall on September 18, including the non-  
5 fighting element, numbered 60,000 for Fengtien Prov-  
6 ince, 80,000 for Kirin Province, and 50,000 for  
7 Heilungkiang, making a total of 190,000, of which  
8 about 50,000 from Fengtien Province were subsequently  
9 withdrawn inside the Wall. This would leave 140,000  
10 outside the Wall.

11 "The Japanese military authorities give the  
12 number of troops now remaining outside the wall as  
13 110,000, of which they state that 60,000 joined  
14 the 'Manchoukuo Army,' 30,000 remained in the north-  
15 east of Kirin in opposition to the Japanese troops  
16 and to the 'Manchoukuo Army,' and about 20,000 may  
17 have joined the so-called Volunteer Corps. The situ-  
18 ation is described by them as the following:

19 (a) Portions of the former Chinese Army not recogniz-  
20 ing the authority of the 'Manchoukuo Government';

21 "(1) A force north-east of Harbin, estima-  
22 ted at 30,000 (stated officially by the Chinese to  
23 be composed of the Kirin Self-Defence Army under the  
24 command of General Li Tu and of the Chinese Eastern  
25 Railway guards under the command of General Ting



Chiao);

"(2) A force under General Li Hai-cheng in the region north-west of Mukden, estimated at 10,000;

"(3) Remnants of the 9th Cavalry Brigade (on the northeastern frontier of Jehol), estimated at 5,000;

(b) Volunteers;

"(1) The so-called North-Eastern Army of Anti-Japanese volunteers in the western parts of Fengtien Province, mainly south of Chinchow, estimated at between 15,000 and 25,000 men.

"(2) The so-called National Volunteer Army of the North-East, under the command of Wu Cha-hsin, mainly operating around Mukden. The present strength of this force, which has had several encounters with the Japanese troops, is unknown.

"(3) The Volunteer Army of Jehol.

"This comparatively well-disciplined body of some 3,000 men of under the command of Tang Yu-lin, which comprises remnants of the cavalry of Cheng Hsueh-liang's 1st and 2nd Army, is reported to be active on the border of Jehol and Fengtien provinces;

"(4) Several minor Volunteer Corps operating partly in the Shanhaikwan region, partly between

1 Tunhua and Tienpaoshan, where they are in touch with  
2 regular forces hostile to the 'Manchoukuo Government.'

3 "The total strength of these irregular  
4 forces under Paragraph (1) to (4) is said to be  
5 about 40,000 men.

6 "5) Bandits.

7 "The bandits, who are not organized primarily  
8 for political purposes, appear to have increased in  
9 number, due to the disturbed conditions. They are  
10 reported by the Japanese to be scattered throughout  
11 Manchuria, especially in the part south of the Chinese  
12 Eastern Railway. The Japanese estimate their total  
13 number as 40,000. In addition to these, a special  
14 bandit force of 12,000 north and east of the town of  
15 Kirin is said to be cooperating with the Chinese  
16 forces north-east of Harbin mentioned under 4) (a)  
17 (1).

18 "Armed conflicts between these various forces  
19 are frequent. There are bandit raids; attempts of  
20 the Japanese soldiers and of the 'Manchoukuo' troops  
21 to suppress these, and fighting between the various  
22 military forces attempting to maintain the new regime  
23 and those opposed to it. The result is loss of life,  
24 destruction of property, and general sense of insecurity.  
25

1           "The Commission purposely refrains from  
2     commenting at this stage on the facts and figures  
3     above recorded. The Japanese Authorities maintain  
4     that they can not at present withdraw their troops  
5     without endangering 'the safety of the lives and  
6     property of their nationals" outside the railway  
7     zone. They appear to consider that this withdrawal  
8     must depend on the progress of the reorganization  
9     of the troops described as the 'Manchoukuo Army.'  
10    The Chinese Government does not now exercise authori-  
11    ty in any parts of Manchuria, and as events have  
12    developed recently the practical question of the ful-  
13    fillment of its responsibility has not arisen. The  
14    possible and equitable measures which may restore  
15    peace and security and create a reasonable measure  
16    of goodwill throughout Manchuria will be considered  
17    by the Commission in its final report."  
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1 MR. MATTICE: The defense now offers in  
2 evidence document 671 which consists of an excerpt  
3 from the book entitled "Record of International  
4 Diplomacy," Kokusai, Gaiko, Roku.

5 MR. COMYNS CARR: The prosecution objects  
6 to this document, your Honor. It appears to be merely  
7 an extract from a book by this gentleman giving his  
8 account of events. There is nothing to place his  
9 views upon oath in any way. The only certificate  
10 attached to it is it was bought in Tokyo in 1935 by  
11 somebody.

12 THE PRESIDENT: No new facts; just the  
13 opinions of an individual who is not even a minister.

14 MR. COMYNS CARR: The only facts it gives  
15 are with regard to certain meetings between Japanese  
16 represenatives in Geneva in which they discuss what  
17 they should say to the League, but as we know what  
18 they ultimately did say, in my submission those dis-  
19 cussions are immaterial.

20 THE PRESIDENT: Mr. Mattice, have you anything  
21 to say?

22 MR. MATTICE: No, your Honor. I think we  
23 are not inclined to press very much on that particular  
24 document.

25 THE PRESIDENT: The objection is upheld and

the document rejected.

1 MR. MATTICE: If the Tribunal please, the  
2 defense wish to offer at this time a document which,  
3 because of our pressing circumstances in respect to  
4 processing and so forth, is not on the order of proof  
5 and not on the running commentary. It has, however,  
6 been processed and served and I think is well known  
7 to the prosecution. It is defense document 408. It  
8 consists of the regulations of the Kwantung Army  
9 Headquarters. The document consists of two pages. We  
10 offer it in evidence.

11 THE PRESIDENT: Mr. Comyns Carr.

12 MR. COMYNS CARR: Neither my friend Mr.  
13 Tavenner nor I appear to have had it served on us,  
14 your Honor.

15 MR. MATTICE: Well, if it hasn't been served  
16 we will not press it at this time.

17 THE PRESIDENT: The rules must be complied  
18 with. The prosecution can always consent, of course.

19 MR. COMYNS CARR: You let us have a copy  
20 now. We will do our best to deal with it.

21 MR. MATTICE: This is a document from the  
22 archives, records of the Japanese Government,  
23 military establishment.

24 MR. COMYNS CARR: Glancing at it, your Honor,  
25

1 the only point that occurs to me is it is dated April  
2 1919 and there is nothing to show that it was in force  
3 at the material date or not, no certificate to that  
4 effect.

5 MR. MATTICE: I take it that a regulation,  
6 like any law, would be assumed to remain in force  
7 unless shown to have been repealed.

8 THE PRESIDENT: Well, we can hardly assume  
9 that in this case. The rules must be complied with.  
10 The prosecution are not waiving compliance.

11 MR. MATTICE: Do I understand the document  
12 will not be admitted?

13 THE PRESIDENT: No, the document will not be  
14 admitted until the rules are complied with.

15 MR. MATTICE: The defense desires at this  
16 time to read some passages from the Lytton Report,  
17 exhibit 37, which relate to the Manchurian Affair,  
18 on page 72 of the Lytton Report.

19 THE MONITOR: Mr. Mattice, in view of the  
20 fact we do not have a copy, will you hold it please?  
21 We will get one. Mr. Mattice, is this a very long  
22 excerpt you are going to refer to?

23 MR. MATTICE: There are many excerpts, most  
24 of which are very short; there are a number of them.

25 THE MONITOR: Do you have an extra copy, sir,



1 your Japanese counsel?

2 MR. MATTICE: Yes. On page 72 of exhibit 37,  
3 the Lytton Report, the paragraph at the bottom of that  
4 page.

5 THE PRESIDENT: What is the cause of this  
6 delay? The Language Section should be notified that  
7 these things are intended to be read.

8 THE INTERPRETER: Mr. President, the English  
9 version is being compared with the Japanese in order  
10 to find the approximate page in the Japanese.

11 THE PRESIDENT: You had better go on to  
12 something else. We cannot tolerate these delays.  
13 This trial will never end at this rate. There is no  
14 justification for the delay. The Language Section  
15 should have been notified in due course.

16 MR. MATTICE: Correction on the exhibit  
17 number. The exhibit number is 57 instead of 37.

18 MR. COMYNS CARR: Your Honor, this passage  
19 was read by the prosecution.

20 MR. MATTICE: (Reading) "The Taonan-Angangchi  
21 Railway had been built with capital supplied by the  
22 South Manchurian Railway ---"

23 THE MONITOR: Will you hold it please? We  
24 will get a copy and I think in due time we can give  
25 you a simultaneous reading, Mr. Mattice. Mr. Mattice,

1 if the parts you are going to refer to isn't too long  
2 after you are through will you give us your document  
3 so we can give you the translation? Will that be  
4 all right?

5 MR. MATTICE: Yes, sir.

6 THE MONITOR: Thank you.

7 MR. MATTICE: (Reading) "The Taonan-Angangchi  
8 Railway had been built with capital supplied by the  
9 South Manchuria Railway and the line was pledged as  
10 security for the loan. Accordingly, the South Manchuria  
11 Railway authorities felt that the interruption to the  
12 traffic on this line could not be allowed to continue  
13 at a season when the transportation of crops from the  
14 north of Manchuria was particularly needed. The  
15 Japanese Consul-General at Tsitsihar, on instructions  
16 from his Government, requested General Ma Chan-shan,  
17 who had arrived at Tsitsihar on October 20th, to have  
18 the bridges repaired as soon as possible, but no time-  
19 limit accompanied this request. The Japanese author-  
20 ities believed that General Ma Chan-shan would delay as  
21 long as possible toe repairing of the bridges, as this  
22 interruption helped him to keep General Chang Hai-peng's  
23 troops at a distance. On October 20th, a small party  
24 of employees of the Taonan-Angangchi Railway and the  
25 South Manchuria Railway, without military escort,

1 attempted to inspect the damage to the bridges, and was  
2 fired upon by Chinese troops in spite of explanations  
3 previously given to an officer of the Heilungkian  
4 Provincial forces. This aggravated the situation  
5 and accordingly, on October 28th, Major HAYASHI, the  
6 representative of General HONJO at Tsitsihar, demanded  
7 the completion of the repairs by noon of November 3rd,  
8 stating that, if they were not carried out by that  
9 date, engineers of the South Manchuria Railway, under  
10 the protection of Japanese troops, would take over the  
11 work. The Chinese authorities asked for an extension  
12 of the time-limit, but no answer was returned to this  
13 request and Japanese troops were despatched from  
14 Ssuningkai for the purpose of protecting the execution  
15 of the repair work.

16 "By November 2nd, the negotiations had not  
17 progressed and no decision had been reached. On that day,  
18 Major HAYASHI delivered an ultimatum to Generals Ma  
19 Chen-shan and Chang Hai-peng, demanding that neither  
20 of them should use the railway for tactical purposes  
21 and that both should withdraw their forces to a distance  
22 of 10 kilometres from each side of the river. It was  
23 intimated that, if the troops of either of these  
24 Generals obstructed the repair of the bridges by the  
25 engineers of the South Manchuria Railway, the Japanese



1 would regard them as enemies. The ultimatum was to  
2 take effect as from noon of November 3rd."

1 Further along in the same paragraph, be-  
2 ginning with the words "The demand was not complied  
3 with."

4 THE PRESIDENT: You could have read the  
5 omitted parts to save time.

6 MR. MATTICE: I begin to read near the bottom  
7 of the paragraph on page 73:

8 "The demand was not complied with, and  
9 Colonel HAMAMOTO, the Commander of the 16th Infantry  
10 Regiment, in compliance with his orders, advanced  
11 to the bridges with one battalion of his regiment,  
12 two companies of field artillery and one company of  
13 engineers, to begin the repair work in accordance  
14 with the terms of the Japanese ultimatum. The engineers,  
15 under the command of Captain HANAI, started work on  
16 the morning of November 4th, and one infantry company,  
17 with two Japanese flags, began its advance to Tahsing  
18 Station by noon of that day."

19 I desire to read next the paragraph at the  
20 bottom of page 74 in the English text, the paragraph  
21 beginning with the words "On November 14th and 15th  
22 the Japanese combined forces."

23 "On November 14th and 15th, the Japanese  
24 combined forces renewed their attack with the support  
25 of four aeroplanes. On November 16th, General HONJO

1 demanded the retreat of General Ma Chan-shan to the  
2 north of Tsitsihar, the withdrawal of Chinese troops  
3 to the north of the Chinese Eastern Railway, and an  
4 undertaking not to interfere in any way with the  
5 traffic and operation of the Taonan-Angangchi Railway,  
6 these demands to be carried out within ten days from  
7 November 15th, and a reply to be sent to the Japanese  
8 Special Bureau at Harbin. When General Ma Chan-shan  
9 declined to accept these terms, General TAMON began  
10 a new general attack on November 18th. General Ma  
11 Chan-shan's troops retreated, first to Tsitsihar,  
12 which was taken by the Japanese on November 19th,  
13 and then to Hailun, to which place the administrative  
14 offices of the Government were removed.

15 "According to the evidence of Japanese  
16 Generals commanding on the spot, the new operations  
17 did not begin before November 12th. General Ma  
18 Chan-shan at that time had gathered about 20,000 of  
19 his troops to the west of Sanchienfang, and even sent  
20 for the land colonisation troops in Heilungkiang  
21 Province and the forces of General Ting Chao. Against  
22 these large forces, which showed an increasingly  
23 threatening attitude, the Japanese could oppose only  
24 the now concentrated division of General TAMON,  
25 consisting of two brigades under Generals AMANO and



1 HASABE. In order to relieve this tense situation,  
2 General HONJO demanded, on November 12th, that all  
3 Heilungkiang troops should retire to the north of  
4 Tsitsihar and that his troops should be allowed to  
5 proceed northward for the protection of the Taonan-  
6 Angangchi Railway. The advance did not begin before  
7 November 17th, when the Chinese sent cavalry troops  
8 around the right flank of the Japanese and attacked  
9 them. General TAMON informed the Commission that,  
10 in spite of his small strength of 3,000 infantrymen  
11 and 24 field-guns, he ventured to attack the Chinese  
12 forces and completely defeated them on November 18th,  
13 with the result that Tsitsihar was occupied on the  
14 morning of the 19th. One week later, the 2nd Division  
15 returned to its original quarters, leaving General  
16 AMANO with one infantry regiment and one battery of  
17 artillery at Tsitsihar to hold the place against  
18 General Ma Chan-shan's troops. This small Japanese  
19 force was subsequently reinforced by the newly-formed  
20 "Manchukuo" troops, but these new troops, at the time  
21 of our visit to Tsitsihar in May 1932, were not yet  
22 considered capable of fighting the forces of General  
23 Ma Chan-shan."

24 Now, in the middle of the paragraph immediate-  
25 ly following this, following the sentence which reads

1 "The strength and military value of these gangs  
2 are so vague and changeable that it would not be  
3 possible to insert an accurate estimate of their  
4 significance into the picture of the military sit-  
5 uation."

6 The sentence following that sentence is where  
7 I will begin next. (Reading)

8 "The chart shows that the Command of the  
9 North-Eastern troops had succeeded in organising a  
10 force of considerable strength in the south-western  
11 part of Liaoning Province. These troops had been  
12 able to construct a strongly entrenched position on  
13 the right bank of the Taling River very close to the  
14 foremost Japanese outposts. Such a situation may well  
15 have caused the Japanese military authorities some  
16 anxiety, as they estimated the total strength of these  
17 regular troops at 35,000 men, or about double the  
18 total admitted strength of their own forces in Manchuria  
19 at that moment."  
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1 Now, at the bottom of page 76, and that  
2 would be the fifth paragraph following the one just  
3 read. The paragraph beginning with these words:  
4 "The threatening situation at Tientsin on the 26th --"

5 (Reading) "The threatening situation at  
6 Tientsin on the 26th caused the staff officers of  
7 the Kwantung Army to propose to the Commander an  
8 immediate expedition of troops via Chinchow and  
9 Shanhaikwan to reinforce the endangered small force  
10 at Tientsin. As a mere transport problem it would  
11 have been easier and quicker to despatch reinforce-  
12 ments by sea via Dairen. But considered strategically,  
13 the suggested route had this advantage, that it would  
14 enable the advancing troops to dispose en route of  
15 the very inconvenient Chinese concentration around  
16 Chinchow. It was assumed that the delay in taking  
17 this route would not be long, as little or no  
18 resistance from the Chinese was anticipated. The  
19 suggestion was approved, and one armoured train, one  
20 troop train, and a couple of aeroplanes crossed  
21 the Liao River on November 27th, and their attack on  
22 the first Chinese outposts was sufficient to initiate  
23 a retreat of the Chinese troops from their en-  
24 trenched position. The armoured-car corps also  
25 changed its position. A shade of resistance led the



1 Japanese to reinforce their strength by more armoured  
2 trains, infantry trains, and artillery."

3 On the last paragraph at the bottom of page  
4 79, which is the tenth paragraph following the one  
5 from which I have just read. The tenth paragraph,  
6 and in the middle of that paragraph, beginning with  
7 the words, "The railway authorities protested and  
8 refused to work the trains, but in spite of their  
9 opposition," and so forth.

10 (Reading) "The railway authorities pro-  
11 tested and refused to work the trains, but, in  
12 spite of their opposition, the Japanese military  
13 authorities succeeded on the night of January 28th  
14 in forming three military trains, which went as  
15 far north as the second Sungari bridge, which they  
16 found damaged by the Chinese forces. As the repairs  
17 were made on the 29th, Shuangcheng was reached on  
18 the afternoon of January 30th. Early on the follow-  
19 ing morning, and still under cover of darkness, the  
20 small Japanese force was attacked by Ting Chao's  
21 troops and severe fighting took place, resulting in  
22 the repulse of the Chinese, but no further progress  
23 was possible that day. By that time, the Soviet  
24 and Chinese railway authorities had agreed that  
25 the transport of Japanese troops on the Chinese

1 Eastern Railway would be allowed, on the under-  
2 standing that they were proceeding with the sole  
3 object of giving protection to the Japanese residents  
4 at Harbin. The fares of the troops were paid for  
5 in cash. On February 1st, the Japanese troops  
6 began to arrive and the main force of the 2nd  
7 Division was concentrated near Shuangcheng on the  
8 morning of February 3rd."

9 One or two additional small paragraphs.  
10 In the second paragraph following the paragraph  
11 from which I have just read. A paragraph beginning  
12 with the words, "The successful attack of the 2nd  
13 Division."

14 (Reading) The successful attack of the 2nd  
15 Division brought the town of Harbin into the hands  
16 of the Japanese authorities, but, as it was not  
17 immediately followed by any pursuit of the retiring  
18 Chinese forces, little change was produced on the  
19 situation in Northern Manchuria as a whole. The  
20 railways north and east of Harbin and the important  
21 waterway of the Sungari River still remained under the  
22 control of the Anti-Kirin troops and those of Ma  
23 Chan-shan."

24 One more paragraph: The fifth paragraph  
25 following the one from which I have just read,

1 beginning with the words, "The Japanese version of  
2 the recent events submitted to the Commission --"

3 (Reading) "The Japanese version of the  
4 recent events submitted to the Commission by the  
5 Japanese Assessor is as follows:

6 "An official attached to the Kwantung Army  
7 Headquarters named Ishimoto was kidnapped by  
8 Chinese 'volunteers' on July 17th from a train  
9 travelling between Peipiao and Chinchow, within the  
10 boundaries of the Province of Jehol. A small detach-  
11 ment of Japanese infantry with light artillery made  
12 an immediate attempt to rescue him, but failed in  
13 their purpose, and the result was the occupation of  
14 a village on the frontier of Jehol by Japanese troops."

15 Now, if the Tribunal please, on the docu-  
16 ment which we offered a few moments ago, defense  
17 document 408, I am informed that the receipt -- on  
18 the distribution of the document, that the receipt  
19 was signed by a Mr. Maher, of the prosecution, on  
20 April 2, though not distributed.  
21  
22  
23  
24  
25



1 MR. TAVENNER: It is correct, your Honor,  
2 that the document was served on the prosecution though  
3 not distributed among the attorneys according to new  
4 information I just received on it; and I think this  
5 was due to the fact that there has been considerable  
6 confusion about order lists.

7 THE PRESIDENT: We are not at the mercy of  
8 either the prosecution or the defense. We may have  
9 to take drastic steps to protect ourselves; and, if  
10 necessary, we will take them, and this trial will  
11 continue.

12 MR. MATTICE: We desire to renew our offer  
13 of this document in evidence, if the Tribunal please --  
14 defense document 408.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLEPK OF THE COURT: Defense document No.  
17 408 will receive exhibit No. 2415.

18 (Whereupon, the document above re-  
19 ferred to was marked defense exhibit No.  
20 2415 and received in evidence.)

21 MR. MATTICE (Reading):

22 "The Kwantung Army Headquarters Regulations.

23 "Article 1. The Commander-in-Chief of the  
24 Kwantung Army shall be appointed by His Majesty the  
25 Emperor from among the generals and lieutenant generals

1 of the Imperial Army and placed under the direct con-  
2 trol of the Emperor, and shall command all the army  
3 forces in Kwantung Province and South Manchuria and  
4 also be responsible for the protection of the rail-  
5 ways in Kwantung Province and South Manchuria.

6 "Article 2. The Commander shall be under the  
7 delegated command of the War Minister in the matters  
8 of military administration and personnel affairs and  
9 under the same command of the Chief of the Army Gen-  
10 eral Staff in the matters of military operations and  
11 mobilization plan and similarly under the Inspector-  
12 General of the Military Education in the matters of  
13 military education.

14 "Article 3. The Commander may resort to force  
15 when he deems it necessary for the defense of Kwantung  
16 Province and for the protection of the railways.

17 "The Commander may comply with the request of  
18 the governor-general of Kwantung Province for the de-  
19 spatch of troops from the necessity for the mainten-  
20 ance of order and tranquility in his jurisdiction and  
21 for the policing necessities in the South Manchurian  
22 Zone.

23 "The Commander, however, in case of urgency,  
24 without waiting for the Kwantung governor's request,  
25 may act with force at his discretion.

1 "In cases designated in the preceding sec-  
2 tions, reports thereon must be immediately made to the  
3 War Minister and the Chief of the Army General Staff.

4 "Article 4. The Commander shall from time to  
5 time inspect the forces under his command and shall re-  
6 port on the general conditions of the military affairs  
7 and his views thereof to the Emperor, the War Minister,  
8 the Chief of Army General Staff and the Inspector-  
9 General of the Military Education generally at the end  
10 of the term of the military education, every year.

11 "Article 5. The Kwantung Army Headquarters  
12 consists of the following departments:

- 13 "1. Staff Department.
- 14 "2. Adjutant's Department.
- 15 "3. Ordnance Department.
- 16 "4. Intendance Department.
- 17 "5. Medical Affairs Department.
- 18 "6. Veterinary Department.
- 19 "7. Judicial Affairs Department.

20  
21 "The Staff and the Adjutants Departments put  
22 together constitute the 'Staff.'

23 "The organizations and duties of the Depart-  
24 ments for Intendance, Medical Affairs, Veterinary and  
25 Judicial Affairs are prescribed elsewhere.

"Article 6. The Chief of the Staff shall



1 assist the Commander, participate in secretaries, super-  
2 vise the penetration and enforcement of orders," --  
3 "supervise the preparation," I think that's meant to  
4 read.

5 THE PRESIDENT: It is "penetration" in our  
6 copies.

7 MR. MATTICE: This reads, "supervise the  
8 penetration and enforcement of orders, and shall be  
9 responsible for adjustment of business.

10 "Article 7. The officers and officials of  
11 the 'Staff,' under the direction of the Chief of  
12 Staff, shall attend on their respective duties allotted.

13 "Article 8. Non-commissioned officers, under  
14 the direction of their superior officers, shall admin-  
15 ister their respective duties.

16 "Article 9. Views to be submitted to the  
17 Commander by the various Departmental Chiefs shall  
18 first be submitted to the Chief of the Staff for his  
19 approval of the same.

20  
21 "Supplementary Rules

22 "The present Regulations are enforced on and  
23 from April 12, 1919.

24 "The Military Department Regulations of the  
25 Kwantung government-general are abolished on April  
12, 1919."

1 Mr. Roberts of the defense will now present  
2 the next division of this particular sub-division, or  
3 what is known as the Shanghai Incident.

4 THE PRESIDENT: It is nearly a quarter to  
5 three. We will recess for fifteen minutes.

6 (Whereupon, at 1445, a recess was  
7 taken until 1500, after which the proceed-  
8 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: The defense now offers in  
5 evidence defense document No. 126, which is a state-  
6 ment of the Japanese Government concerning the first  
7 Shanghai Incident, dated January 29, 1932.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document  
10 No. 126 will received exhibit No. 2416.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 2416 and received in evidence.)

14 MR. ROBERTS: I now read exhibit No. 2416.

15 "Statement of the Japanese Government  
16 Concerning the Shanghai Incident. January 29, 1932.

17 "On January 29 the Japanese Government made  
18 public the following statement concerning the Shanghai  
19 Incident:

20 "1) In the memorandum dated October 29th  
21 of last year, the Japanese Government pointed out to  
22 the Chinese National Government that the tyrannical  
23 anti-Japanese movements in various parts of China are  
24 considered 'hostilities' without armed action, and  
25 such animosity is being used as a means to carry out



1 the national policies under the direct and indirect  
2 instructions of the officials of the Kuomintang whose  
3 organizations and functions can hardly be distinguished  
4 in reality from those of the Chinese National  
5 Government. It was requested that the scheming of  
6 the officials of the Kuomintang and the various anti-  
7 Japanese organizations which receive instructions from  
8 the Kuomintang be stopped, and that the necessary  
9 and effective steps be taken to check other anti-  
10 Japanese movements as well as to protect the lives,  
11 properties and interests of the Japanese residents.  
12 Since then similar requests were made repeatedly to  
13 the Chinese central and local authorities in order to  
14 bring their attention to the matter.

15 "2) However, the Chinese National Government  
16 showed no sincere effort to comply with the above-  
17 mentioned requests of the Japanese Government. In  
18 extreme cases, the Chinese National Government regarded  
19 the illegal actions taken against Japan and the  
20 Japanese subjects by the Chinese officials and people  
21 as being patriotic and, if anything, encouraged such  
22 actions. As a result of this, the anti-Japanese  
23 activities intensified. Not only did incidents such  
24 as murdering of Japanese subjects and acts of insult  
25 upon the Japanese officials at Kuangtung, Tsingtao

1 and Fuchow happen, but also the Chinese newspapers  
2 went so far as to print disrespectful articles con-  
3 cerning our Imperial Household.

4 "3) Especially, in Shanghai, the headquarters  
5 of the Resist Japan Society and various other anti-  
6 Japanese organizations were extremely active. The  
7 situation became particularly serious after the Lese  
8 Majesty article appeared in the Minkoku Nippo and  
9 Nichirensu (TN: a Japanese Buddhist sect) priests  
10 were wounded and murdered. Therefore, the Japanese  
11 consul general in Shanghai made a request to the  
12 local Chinese authorities to check the anti-Japanese  
13 activities, etc.

14 "Notwithstanding this fair and reasonable  
15 request, the Chinese authorities deferred their replies  
16 and, in the meantime, concentrated their troops around  
17 Shanghai as if to intimidate us. Thus, our residents  
18 were greatly alarmed.

19 "4) The Chinese authorities, however, accepted  
20 our request by 3:00 p.m., on the 28th, but in view of  
21 the past conduct of the Chinese authorities, we kept  
22 close observation to see whether they complied with  
23 our request and exercised precautions against any acts  
24 of hoodlums. At the same time, in view of the  
25 threatening acts of the Chinese troops in the vicinity

1 of the International Settlement, martial law was  
2 enforced by the Municipal Bureau at 4:00 p.m. on the  
3 same day. Consequently, according to the mutual  
4 defense plan, the garrison troops of all nations were  
5 disposed at their respective positions. At 0:00 hour  
6 on the 29th, when our marine units commenced to take  
7 positions along both sides of North Szechwan road  
8 which was assigned to them, the Chinese regular army  
9 units suddenly opened fire. Thus, our units were  
10 forced to return the fire. At present, we are still  
11 continuing to negotiate with the Chinese authorities  
12 to have her troops removed from the vicinity of the  
13 Japanese settlement area.

14 "5) Our Navy's action in and around  
15 Shanghai at this time is similar to 'real power'  
16 actions taken very often in the past by the leading  
17 countries in the same locality and the only purpose  
18 was to protect the lives and properties of the Japanese  
19 residents and to defend our rights. Heretofore,  
20 compared to the garrison troops of Britain, the  
21 U.S.A., France, etc., in Shanghai, the number of  
22 our marine units there was small, which accounts for  
23 our dispatch of troops. Needless to say, we maintain  
24 a policy of cooperation with other nations. At  
25 present our local authorities are keeping close



1 contact with the consulates of various nations, the  
2 Municipal Bureau of the International Settlement, and  
3 the garrison troops of other nations.

4 "We do not have any political ambitions in the  
5 Shanghai area, and we certainly do not intend to  
6 infringe upon the rights and interests of other  
7 nations in the same area."

8 The defense now offers in evidence document  
9 No. 63, which is likewise a statement of the Japanese  
10 Government concerning the Shanghai Incident, dated  
11 February 7, 1932.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document No. 63  
14 will be given exhibit No. 2417.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit  
17 No. 2417 and received in evidence.)

18 MR. ROBERTS: I now read exhibit No. 2417:

19 "Statement of the Japanese Government  
20 Concerning the Shanghai Incident and the Despatch  
21 of Military Forces, February 7, 1932.

22 "1. It is the immutable policy of the  
23 Japanese Government to ensure by all means in their  
24 power the tranquillity of the Far East and to con-  
25 tribute to the peaceful progress of the world.

1 Unfortunately of late years the internal discord and  
2 unsettled political conditions prevailing in China,  
3 coupled with rampant anti-foreign agitation, have  
4 given cause for serious concern to all the other  
5 Powers -- especially to Japan, which because of her  
6 geographical proximity and the vast interests of hers  
7 which are involved, has been made to suffer in a far  
8 greater degree than any other. While the Japanese  
9 Government, in their solicitude for neighborly amity,  
10 and international good understanding, have exerted  
11 every effort to maintain a conciliatory attitude,  
12 China, taking advantage of our moderation, has resorted  
13 to frequent infringements of our rights and interests,  
14 to various acts of violence towards Japanese residents  
15 and to an intensification of the vicious anti-  
16 Japanese movement, which is without a parallel else-  
17 where, as it is under the direct or indirect guidance  
18 of the Nationalist Party, which is identified with  
19 the Nationalist Government itself.

20 "2. It is in these circumstances that the  
21 Shanghai Incident has broken out. It is similar to  
22 the numerous outrages and insults that had previously  
23 been perpetrated at Tsingtao, Foochow, Canton, Amoy  
24 and elsewhere, in that they are all characterized  
25 by Chinese contempt for Japan and the Japanese and by

1 acts of physical violence. The Shanghai Incident only  
2 happens to be the most flagrant case. On the 9th of  
3 January last a vernacular journal, the 'Minkuo Daily  
4 News,' published an article, insulting the honor of  
5 our Imperial House. Shortly afterwards, on the 18th,  
6 a party of Japanese priests and their companions, five  
7 persons in all, were the subjects of an unprovoked  
8 attack by Chinese desperadoes. As a result, three of  
9 the victims were severely wounded and one was killed.  
10 The shock of these events was sufficient to explode  
11 the long pent-up indignation felt by the Japanese  
12 residents in Shanghai, who had suffered for many years  
13 past from, and had exercised the utmost restraint in  
14 the face of, increasing Chinese atrocities and affronts.

15 "3. Noting the extreme gravity of the situa-  
16 tion, the Japanese Consul General, under the  
17 instructions of the government, and in order to do all  
18 that was possible to prevent, by a local solution of  
19 the question, any aggravation of the case, presented  
20 to the Mayor of Shanghai on January 21st a set of four  
21 demands including one for the dissolution of anti-  
22 Japanese societies. At three o'clock in the afternoon  
23 of January 28th, the Mayor's reply acceding to the  
24 above demands was received. The Japanese authorities,  
25 hoping that the tension might then relax, decided to



1 wait and watch the performance of their promise on  
2 the part of the Chinese. However, soldiers belonging  
3 to the 19th Army, then concentrated in the vicinity  
4 of Shanghai, began, for reasons connected with internal  
5 politics, to display signs of recalcitrance towards  
6 the Nanking authorities, and appeared to be making  
7 hostile preparations in spite of the Mayor's acceptance  
8 of our terms, thus creating a new source of danger.  
9 In the meantime Chinese soldiers in civilian costume  
10 and various lawless elements had stolen into the  
11 International Settlement, creating a source of danger  
12 to the quarter in the vicinity of the Municipal  
13 Offices. Many alarming rumors were in circulation  
14 and the residents were plunged into an agony of terror,  
15 the police of the Chapei district having taken  
16 flight. Thereupon, on the 28th, at 4 o'clock, the  
17 authorities of the Settlement proclaimed a state of  
18 siege, and the armed forces of the Powers were ordered  
19 out to duty in accordance with a plan that had been  
20 previously agreed upon. It was when the Japanese  
21 Marines were proceeding to their assigned sector in  
22 Chapei that the Chinese opened fire upon them, pre-  
23 cipitating a conflict between Chinese and Japanese  
24 armed forces, of which the present situation is the  
25 outcome.

1           "4. As is clear from what has been said, the  
2 incident of the Chinese assault upon Japanese priests  
3 and the Incident of the armed Sino-Japanese conflict  
4 were entirely separate affairs. With regard to the  
5 armed collision, as it was entirely contrary to every  
6 intention of ours, and as the British and American  
7 Consuls General offered a tender of their good offices,  
8 the Japanese authorities sought to effect a cessation  
9 of hostilities, and, in fact, succeeded on the 29th  
10 in arriving at an agreement for a truce. But on the  
11 following day the Chinese, in contravention of their  
12 pledge, opened fire once more. At a conference sum-  
13 moned on the 31st, it was agreed that the opposing  
14 forces should cease from all hostile action during the  
15 progress of negotiations for the establishment of a  
16 neutral zone. However, the Chinese, resuming the  
17 offensive, are continuing the concentration of troops  
18 in the neighborhood of Shanghai. So far, the Japanese  
19 navy, desiring, in view of the international character  
20 of Shanghai, not to aggravate the situation, has re-  
21 frained from taking any drastic action while the  
22 Chinese, spreading news of Japanese defeats, are mani-  
23 festing even greater vehemence in their actions.

24           "5. In the existing state of affairs in China,  
25

1 uncontrolled and uncontrollable, and in view of his-  
2 torical precedents in such cases, we can have no assur-  
3 ance as to the possible behavior of the vast armies  
4 congregated in the Shanghai area, should unscrupulous  
5 politicians care to incite them. Our marines, opposed  
6 to Chinese forces outnumbering them by more than ten  
7 to one, are being wearied to exhaustion, while the  
8 predicament of the Japanese residents, facing imminent  
9 danger as they do, is beyond description. In order to  
10 meet the absolute necessity of at once despatching  
11 adequate military reinforcements, (as there are no  
12 obvious limitations to the naval units which can be  
13 landed), so as to put an end to the menace of the  
14 Chinese armies, to restore Shanghai to normal conditions  
15 and to relieve the inhabitants of all nationalities  
16 from the strain of fear and disquiet, the decision  
17 was taken to order the necessary military forces to  
18 Shanghai.

19 "6. It should be stated that this despatch of  
20 military forces carries no more significance than the  
21 despatch of marines in accordance with the practice on  
22 several previous occasions, and that the Japanese Gov-  
23 ernment are prompted by no other motive than that of  
24 discharging their international duty and of safeguarding  
25 the large number of Japanese nationals, and the Japanese



1 property worth many hundreds of millions, involved  
2 in the affair.

3 "The expeditionary force has been therefore  
4 limited to the strength absolutely required for the  
5 above purposes, and its action will be guided solely  
6 by the policy of protecting the common interests of all  
7 the Powers. Unless the Chinese, by continuing hos-  
8 tilities or by obstructing our army in attaining the  
9 above ends, compels it to take necessary action, there  
10 is of course no intention whatever that it should  
11 enter upon an aggressive campaign. The Japanese Govern-  
12 ment has already declared that they cherish no politi-  
13 cal ambitions in the region of Shanghai, nor any  
14 thought of encroaching there upon the rights and in-  
15 terests of any other Powers. What they desire is to  
16 promote the safety and prosperity of that region by  
17 cooperation with other Powers and mutual assistance,  
18 and so to contribute to the peace and well-being of  
19 the Far East."

20  
21 The defense now offers in evidence defense  
22 document No. 253, which is an extract from the short-  
23 hand notes of the proceedings of the House of Peers  
24 of the Japanese Empire, March 24, 1932, setting out  
25 the speech made in the House of Peers by INUKAI, Tsu-  
yoshi, regarding the China Incident."

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document No. 253  
3 will receive exhibit No. 2418.

4 (Whereupon, the document above re-  
5 ferred to was marked defense exhibit No. 2418,  
6 and received in evidence.)

7 MR. ROBERTS: I now read exhibit No. 2418:

8 "An Extract from the Shorthand Notes of the  
9 Proceedings of the House of Peers in the 60th, 61st,  
10 62nd and 63rd Imperial Diet Sessions."

11 I shall omit the opening formal parts and  
12 begin the last paragraph beginning with the words --  
13 beginning with the 17th line.

14 "Respecting the China Incident, our Empire  
15 has no other intentions whatsoever than to secure last-  
16 ing peace in the East, to defend our rights and inter-  
17 ests, and to protect the lives and properties of our  
18 nationals. As we have often declared, we not only have  
19 no territorial ambition, but shall strictly respect the  
20 open-door and equal opportunity principles."

21 THE PRESIDENT: "We not only have territorial  
22 ambition--"

23 MR. ROBERTS: It has been corrected by lan-  
24 guage correction dated April 4, 1947.

25 THE PRESIDENT: We are not aware of the

1 correction.

2 MR. ROBERTS: Perhaps I should have--

3 THE PRESIDENT: It is obviously a mistake.

4 MR. ROBERTS: Yes.

5 THE PRESIDENT: They wouldn't admit that.

6 MR. ROBERTS: The same errata sheet bears  
7 another correction on the last line, changing the word  
8 "the" to "be."

9 "It is true that Japan and China are at  
10 present involved in a complicated situation. But if  
11 only China gets into a sincerely self-critical mood,  
12 a solution thereof will never be difficult. The Gov-  
13 ernment earnestly wishes that our relations with China  
14 will be quickly restored to normalcy and that our  
15 neighborly friendship with her be further promoted."  
16

17 The defense now offers in evidence defense  
18 document No. 34, which is an agreement for the cessa-  
19 tion of hostilities around Shanghai as from May 5, 1932.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document No. 34  
22 will receive exhibit No. 2419.

23 (Whereupon, the document above re-  
24 ferred to was marked defense exhibit No. 2419,  
25 and received in evidence.)

THE PRESIDENT: Do you think it is necessary



1 to read this?

2 MR. ROBERTS: We would like to have it in the  
3 transcript, if your Honor please, and I think it may be  
4 necessary just to read the first five articles.

5 "Agreement for the Cessation of Hostilities  
6 around Shanghai.

7 "Article I. The Japanese and Chinese authori-  
8 ties having already given the cease fire order, it  
9 is agreed that the cessation of hostilities is ren-  
10 dered definite as from May 5th, 1932. The forces of the  
11 two sides will so far as lies in their control cease  
12 around Shanghai all and every form of hostile act. In  
13 the event of doubts arising in regard to the cessation  
14 of hostilities, the situation in this respect will be  
15 ascertained by the representatives of the participating  
16 friendly powers.

17 "Article II. The Chinese troops will remain  
18 in their present positions pending later arrangements  
19 upon the reestablishment of normal conditions in the  
20 areas dealt with by this Agreement. The aforesaid  
21 positions are indicated in Annex I to this Agreement.

22 "Article III. The Japanese troops will  
23 withdraw to the International Settlement and the  
24 extra-Settlement roads in the Hongkew district as  
25 before the incident of January 28th, 1932. It is,

1 however, understood that in view of the number of  
2 Japanese troops to be accommodated, some will have to  
3 be temporarily stationed in localities adjacent to  
4 the above mentioned areas. The aforesaid localities  
5 are indicated in Annex II to this Agreement.

6 "Article IV. A Joint Commission, including  
7 members representing the participating friendly Powers,  
8 will be established to certify the mutual withdrawal.  
9 This Commission will also collaborate in arranging  
10 for the transfer from the evacuating Japanese forces  
11 to the incoming Chinese police, who will take over as  
12 soon as the Japanese forces withdraw. The constitution  
13 and procedure of this Commission will be as devised in  
14 Annex III to this Agreement.

15 "Article V. The present Agreement shall come  
16 into force on the day of signature thereof.

17 "The present Agreement is made in the Japanese  
18 and Chinese and English languages.--"

19 THE PRESIDENT: We don't want that.

20 MR. ROBERTS: "In the event of there being  
21 any doubts as to the meaning or any differences of  
22 meaning between the Japanese and Chinese and English  
23 texts, the English texts shall be authoritative.  
24 Done at Shanghai, this fifth day of May, nineteen hun-  
25 dred and thirty two.

1           "(Signed)--"

2           THE PRESIDENT: Don't read those signatures.

3           MR. ROBERTS: I simply want to call attention  
4 to the fact that they were signed by the various powers  
5 through their representatives, M. SHIGEMITSU represent-  
6 ing Japan as Envoy Extraordinary and Minister Pleni-  
7 potentiary, S. SHIMADA on behalf of the Navy, and  
8 on the following page the signatures by Lampson on  
9 behalf of China, and also Johnson, American Minister  
10 in China, Wilden, French Minister in China, and Ciano  
11 on behalf of Italy.

12           THE PRESIDENT: If you are going to waste our  
13 time like that we may have to fix a time limit for the  
14 defense.

15           I tell you again, we are not at your mercy.

16           MR. FURNESS: If the Court please, the signa-  
17 tures of the British Minister and the United States  
18 Minister will fit in with evidence which will be later  
19 introduced.

20           The particular truce agreement seems to me of  
21 the utmost importance, and it is important to the  
22 defense of the defendant SHIGEMITSU that it be called  
23 to the Court's attention that he signed the truce  
24 agreement.

25           THE COURT: If it could be relevant to any



1 issue you could say so when the time arrives.

2 MR. ROBERTS: The defense believes that it has  
3 cut the production of documents to the bone, and we  
4 are attempting to cooperate with the Court in intro-  
5 ducing only those things which we intend to connect  
6 later.

7 THE PRESIDENT: If it is necessary the Tribunal  
8 will help itself. We are not at anybody's mercy.

9 MR. ROBERTS: The defense now calls as a  
10 witness SAMEJIMA, Tomoshigo who will be examined by  
11 Mr. SOMIYA.  
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SAMEJIMA

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1 T O M O S H I G E S A M E J I M A, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

## DIRECT EXAMINATION

BY MR. SOMIYA:

Q What is your name?

A SAMEJIMA, Tomoshige.

Q How old are you?

A Fifty-eight.

Q Where do you live?

A 300 of 3 Kami Osaki, Shinagawa, Tokyo.

13 MR. SOMIYA: May the witness be shown  
14 defense document No. 968.

THE PRESIDENT: Brigadier Quilliam.

16 BRIGADIER QUILLIAM: May it please the  
17 Tribunal, may we take this opportunity of asking the  
18 Tribunal to give directions to clarify a point of  
19 procedure? The question involved will not necessarily  
20 arise in connection with this witness but it may do  
21 so. It happens at times that the prosecution counsel  
22 who is to cross-examine a witness is, for good reason,  
23 absent when, for example, it is necessary to make an  
24 objection to admissibility or to argue some incidental  
25 matter, or it may be found necessary to change the

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1 plans for cross-examination after the counsel who  
2 was originally intended to cross-examine has argued  
3 some matter arising out of the evidence. It is  
4 respectfully submitted that the proper procedure  
5 is that one counsel may make the objections and that  
6 another should be permitted to cross-examine; in  
7 other words, that it is not required that the counsel  
8 who argues an objection should conduct the cross-  
9 examination. It is not suggested that more than one  
10 counsel should be permitted to make objections or to  
11 cross-examine. It is respectfully submitted that  
12 there is no objection in principle to this course and  
13 that it conforms to the procedure followed in most  
14 if not all of our domestic courts.

15 THE PRESIDENT: What have the defense to  
16 say?

17 MR. ROBERTS: I believe the understanding  
18 was that in operating in teams one counsel may examine  
19 and the other counsel, be he American or Japanese,  
20 might conduct the cross-examination and take objections  
21 on cross-examination, and that seems in accord with  
22 what has been said so I don't see any objection.

23 THE PRESIDENT: No time would be wasted; in  
24 fact, some may be saved. Brigadier Quilliam's sugges-  
25 tion will be adopted.



SAMEJIMA

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1 BY MR. SOMIYA (Continued):

2 Q Is that document which you have in your  
3 hands written by you?

4 A Yes.

5 Q Is the signature which is affixed at the  
6 very end of the document yours?

7 A Yes.

8 MR. SOMIYA: I present in evidence defense  
9 document No. 968.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document No. 968  
12 will receive exhibit No. 2420.

13 THE PRESIDENT: When are you going to dis-  
14 tribute this? We have not copies; at least, I have  
15 not a copy.

16 MR. SOMIYA: I shall read exhibit No. 2420:

17 "1. I was formerly a Vice Admiral in the  
18 Navy. On 1 December 1931 when I was a captain, I was  
19 appointed Commander of the Shanghai Naval Special Landing  
20 Party. On 6 December 1932, when Rear Admiral UEMATSU  
21 was appointed as new Commander of the Shanghai Naval  
22 Special Landing Party I was appointed as Chief of Staff  
23 of the same unit. I held the post till January 1933.  
24 At the time when I was appointed Commander of the  
25 Shanghai Naval Special Landing Party, the permanent

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1 strength of the unit consisted of approximately  
2 900 men.

3 "The Shanghai Naval Special Landing Party  
4 was under the overall command of Rear Admiral SHIOZAWA,  
5 Koichi, Commander of the First Overseas Fleet. This  
6 fleet was dispatched abroad for the purpose of pro-  
7 tecting the Japanese residents along the banks of the  
8 Yangtze River.

9 "2. Since the outbreak of the Manchurian  
10 Incident anti-Japanese activities and acts involving  
11 insult to Japan on the part of the Chinese in Shanghai  
12 had become particularly violent and even threatened  
13 to turn into riots. For instance, when the Japanese  
14 primary school children of Shanghai were on their way  
15 to school, they were frequently stoned or subjected  
16 to other outrages by Chinese nationals.

17 "Therefore, members of the Special Landing  
18 Party were sent to protect them, but even so, the  
19 local primary school was finally compelled to close  
20 down.

21 "Furthermore, an untoward incident, in which  
22 a certain Korean threw a bomb against the Imperial  
23 cortege, occurred in Tokyo on 8 January 1932. Report-  
24 ing on the event the next day (9th) the Chinese Daily  
25 News in Shanghai published an article to the effect

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1 that 'unfortunately no injuries were inflicted upon  
2 the Emperor' which showed an attitude too irreverent  
3 to be tolerated by the Japanese. Again, on 18 January  
4 in Shanghai, when a party of Japanese priests were  
5 passing by the Sanyu Industrial Company's factory which  
6 is situated near the Settlements, they were attacked  
7 by Chinese laborers employed by the above mentioned  
8 factory. Three of them were seriously injured of whom  
9 one died on 24 January.

10 "Anti-Japanese parties formed bands and  
11 robbed those who possessed Japanese currency.

12 "Anti-Japanese students, numbering several  
13 thousand, and various anti-Japanese organizations  
14 advocated a strong anti-Japanese policy and frequent-  
15 ly staged demonstrations. Rumors were circulated  
16 that all Japanese would be annihilated, and the  
17 situation came to assume extremely serious proportions.

18 "The Chinese police force was too feeble to  
19 control the situation. Moreover, due to the concen-  
20 tration of armed 19th Route Army forces in the vicinity  
21 of the International Settlement, the Chinese policemen  
22 in that area especially those in the Chapel district,  
23 had fled, and the International Settlement was in a  
24 state of turmoil, as refugees came pouring in. The  
25 lives and property of the Japanese as well as of other



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1 Foreign nationals were exposed to danger and,  
2 therefore, the Shanghai municipality proclaimed martial  
3 law, on the afternoon of 28 January 1932 at 1600  
4 hours. An agreement was reached whereby the garrison  
5 forces of all foreign powers were to take positions at  
6 1700 hours (on the same day) in the areas placed in  
7 their charge.

8 "Commander SHIOZAWA issued a statement at  
9 2000 hours on the same day, announcing that the  
10 Japanese would also take the defense positions in  
11 their charge and delivered this statement to the  
12 Chinese authorities. In compliance with orders  
13 from Commander of the Naval Special Landing Party  
14 SHIOZAWA, the unit under my command was to take its  
15 position at 0000 hours 29 January. Before commencing  
16 our action, in accordance with my commander's order,  
17 I instructed my men to the following effect:

18 "The objective of this operation is to  
19 protect the lives and property of the residents.  
20 Therefore, our side must refrain from attacking  
21 unless they first open attack upon us.' I strictly  
22 warned against any wanton use of military force and  
23 gave orders 'not to cross the predetermined line of  
24 defense.'

25 "However, when units of our naval Special

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1 Landing Party had left the gates of its headquarters  
2 to take their positions they were fired upon by snipers  
3 who appeared to be Chinese plain-clothes men, from  
4 two-story buildings along the eastern side of North  
5 Szechuan Road and various other places. Then when we  
6 approached the road leading to the Chinese side at  
7 Chapel, we were suddenly attacked fiercely by Chinese  
8 troops carrying machine guns, hand grenades, etc.,  
9 and suffered many casualties in an instant. Our  
10 units repelled this attack and, at about 0600 hours  
11 on the 29th reached the positions falling under their  
12 charge according to the aforementioned agreement.

13 "The Chinese troops, however, continued to  
14 provoke us. Therefore, in self-defense we at last  
15 responded to their attack and fighting broke out.  
16 When fighting began the Chinese troops fired on us  
17 with large guns mounted on trains or in established  
18 artillery positions along the railroad tracks. They  
19 also constructed a position in the Commercial Press  
20 (printing office) building in Chapel and other buildings  
21 and attacked us. As our numerically inferior units  
22 of the Landing Party were exposed to imminent danger,  
23 aircraft took off from the warship Notoro to support  
24 our land forces and bombed enemy positions at the  
25 above mentioned Commercial Press (printing office)

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1 Building. As the Commander had strictly warned not  
2 to bomb anything but military installations, the  
3 crew members of the aircraft visited headquarters  
4 where I was at the time of the Naval Special Landing  
5 Party and checked their targets on maps. So far as I  
6 personally could observe flights were repeatedly made  
7 over the targets to avoid mistakes. I also witnessed  
8 other efforts which were being made to ensure bombing  
9 accuracy in order to avoid hitting non-military objec-  
10 tives.

11 "3. At the time of the outbreak of the  
12 said incident, the whole strength of the Japanese  
13 Naval Landing Party -- it was not more than 1700 or  
14 1800 men -- was entirely insufficient for the pro-  
15 tection of approximately 30 thousand Japanese resi-  
16 dents scattered over a wide area. Opposing this  
17 force was the Chinese 19th Route Army which then  
18 reported to have been roughly 35,000 strong. As I  
19 recall, the strength of the various countries' garrison  
20 troops stationed in Shanghai at that time consisted of  
21 approximately 7000 British troops, about 1000 each of  
22 the United States and French troops, and a small  
23 Italian force.

24 "Moreover, there were in Shanghai permanent  
25 volunteer corps organized by various foreign powers



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DIRECT

1 including Japan under the overall Command of a  
2 reserve British Colonel. These corps took up guard  
3 duties in accordance with the Joint Defense Agreement.

4 "4. Later, reinforcements arrived successively  
5 from Japan and hostilities were carried on until March  
6 3 when fighting was virtually suspended. On May 5 a  
7 truce agreement was concluded. The Japanese side  
8 originally had no intention of starting a war and the  
9 said incident was an entirely unforeseen incident  
10 caused by provocation on the part of the Chinese.  
11 Therefore, our preparations for fighting were found  
12 lacking in many respects. The Landing Party was  
13 hastily reinforced but, as the Navy had few weapons  
14 for land warfare, they had to be borrowed from the  
15 Army and shipped to us. Also we were not familiar  
16 with the methods of handling such weapons. Steel  
17 helmets were also borrowed from the Army but since  
18 there were not enough to distribute among all hands,  
19 a number of men had to do without them. We were thus  
20 faced with extreme difficulties.

21 "The enemy units against which our Naval  
22 Landing Party, we, the Japanese, fought, belonged to  
23 the 19th Route Army which as far as I know was a local  
24 force and not a part of Central Army of China."  
25

Q Is the document, affidavit, which I have

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1 just read correct?

2 A Yes.

3 THE PRESIDENT: Brigadier Quilliam.

4 BRIGADIER QUILLIAM: May it please the  
5 Tribunal, the prosecution does not desire to cross-  
6 examine.

7 THE PRESIDENT: The witness is at liberty  
8 on the usual terms.

9 MR. SOMIYA: No redirect examination, your  
10 Honor.

11 (Whereupon, the witness was excused.)

12 MR. SOMIYA: Mr. Roberts will call another  
13 witness.

14 THE PRESIDENT: Mr. Roberts.

15 MR. ROBERTS: Mr. President, we have another  
16 witness available but due to the lateness of the hour  
17 does your Honor wish us to proceed?

18 THE PRESIDENT: We cannot afford to waste ten  
19 minutes.

20 MR. ROBERTS: We call Mr. KITAURA, Toyoo  
21 as the next witness.  
22  
23  
24  
25

KITAURA

DIRECT

1 T O Y O O K I T A U R A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## DIRECT EXAMINATION

BY MR. ROBERTS:

Q What is your name, please?

A My name is KITAURA, Toyoo.

Q Where do you reside? Where do you live?

A 230 3-Chome, Harajuku, Shibuya Ward, Tokyo

City.

Q May I request that the witness be shown  
defense document No. 363?

Is that your affidavit?

A Yes, it is.

MR. ROBERTS: We now offer defense document  
No. 363 in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document No. 363  
will receive exhibit No. 2421.(Whereupon, the document above  
referred to was marked defense exhibit  
No. 2421 and received in evidence.)

MR. ROBERTS: I now read exhibit No. 2421:

"1. I was formerly a Navy Captain. I took



KITAURA

DIRECT

1 part in the first Shanghai Incident, as staff officer,  
2 second in seniority, of First Overseas Fleet. The  
3 Commander of the Fleet was Rear Admiral SHIOZAWA,  
4 Koichi.

5 "2. Following the outbreak of the Man-  
6 churian Incident, the movements to exclude, resist,  
7 and insult the Japanese as well as to boycott  
8 Japanese goods in the areas south of the Yangtze  
9 River, especially around Shanghai, were intensified  
10 to the extreme. As I remember, around October, 1931,  
11 I went to recover some bran (hulls of wheat normally  
12 fed to bowl and swine) from a band of anti-Japanese  
13 terrorists who had seized the said bran on the pre-  
14 text of prohibiting transactions with the Japanese.  
15 The Japanese had bought the bran from the Chinese  
16 and had loaded it aboard a ship on the Huangpu  
17 River. This is only a single instance, but cases  
18 of outrageous acts by the Chinese against the  
19 Japanese increased daily. Finally, since the lives  
20 and property of all Japanese in general were gravely  
21 endangered a strong protest was lodged with the  
22 Mayor of the City of Shanghai through our Consul  
23 General.

24 "The Mayor of Shanghai, on the 27th of  
25 January, 1932, issued orders to the Chinese Public

KITAURA

DIRECT

1 Peace Maintenance Bureau to disband all anti-  
2 Japanese associations to release seized Japanese  
3 goods, and to suspend anti-Japanese movements.

4 "However, there were no indications that  
5 the Mayor's order was observed. On the contrary,  
6 on the following day (28th) an 'urgent' anti-  
7 Japanese grand rally was held and a mob of approxi-  
8 mately 5000 Chinese surrounded the Municipal  
9 Government Building creating great confusion and  
10 disorder.

11 "The members of the Chinese police force  
12 in the Chapei and Honkiang districts deserted their  
13 posts and Chinese evacuees kept pouring into the  
14 settlements. When finally rumours of 'an attack  
15 upon the concessions by Chinese troops' were heard  
16 the municipality proclaimed martial law.

17 "3. On the morning of the 27th of January,  
18 the commanding officers of the respective garrison  
19 forces of the Powers assembled and agreed that in  
20 an emergency, the respective forces of the Powers  
21 should jointly guard the settlements by taking up  
22 positions already allotted to them according to the  
23 plan for joint defense of the Shanghai Concessions.

24 "Therefore, with the proclamation of  
25 martial law by the municipality, the forces of

KITAURA

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1 Britain, U. S., France, Japan, Italy, etc., were  
2 indicated in this joint ~~guard~~ plan.

3 "4. Disposition of forces was made for  
4 taking guard positions as of zero hours on the  
5 29th of January. Then suddenly our forces were  
6 attacked by Chinese troops and our side suffered  
7 heavy casualties. Being numerically inferior our  
8 landing party was compelled to fight a desperate  
9 battle. At 0320 hours on the same day, therefore,  
10 orders were dispatched to the warship Noto, which  
11 was attached to the First Expeditionary Squadron,  
12 to cooperate with the marines by bombing the  
13 Chang Wu Shu Kuan and the Hu Chou hui Kuan build-  
14 ings, where the enemy forces were based.

15 "The Warship Noto sent two type -- 14  
16 patrol seaplanes loaded with light bombs. The planes  
17 arrived over the Chapei area at around 0420 hours  
18 and at dawn the previously stated military objectives  
19 were bombed.

20 "According to reports submitted after the  
21 bombing, the targets were clearly visible and black-  
22 outs were ineffective. The planes dropped flare-  
23 bombs to confirm the targets, and direct hits were  
24 scored by low altitude bombing.

25 "With the continuation of hostilities,



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1 enemy armored trains and railroad tracks were also  
2 bombed but in consideration of the fact that Shang-  
3 hai was an international metropolis, strict orders  
4 were issued by Commander of the Fleet Admiral  
5 SHIOZAWA that utmost care must be taken not to  
6 bomb non-military objectives.

7 "We had reports from units which went into  
8 action that every possible effort was made to  
9 execute accurate bombing.

10 "I, myself, actually saw those planes flying  
11 at low altitudes, and entering the bombing course  
12 several times in order to effect precision bombing.

13 "On this clash, no incendiary bombs were  
14 used.

15 "5. On the 3rd of February, three Japanese  
16 destroyers, the Kaki, Kuri and the Nire of the 26th  
17 Destroyer Division, were cruising down the Huangpu  
18 River on their way to Sasebo. While they were  
19 passing Woosung at 1125 hours, they were suddenly  
20 fired upon from the Woosung Fortress batteries. The  
21 destroyers immediately returned fire.

22 "On the same day, the Woosung Fortress  
23 battery also opened fire upon our Third Division  
24 consisting of three cruisers.

25 "I was informed of these facts immediately

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1 after they had taken place by Commander NISHILURA,  
2 Shoji, Commanding Officer of the 26th Destroyer  
3 Division, and HORI, Teikichi, Commander of the  
4 Third Division Fighting Group."

5 THE PRESIDENT: Any cross-examination?

6 BRIGADIER QUILLIAM: May it please the  
7 Tribunal, the prosecution does not desire to cross-  
8 examine the witness.

9 THE PRESIDENT: The witness is released on  
10 the usual terms.

11 (Whereupon, the witness was  
12 excused.)

13 THE PRESIDENT: We will adjourn until  
14 half-past nine tomorrow morning.

15 (Whereupon, at 1600, an adjourn-  
16 ment was taken until Wednesday, 9 April,  
17 1947, at 0930.)

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